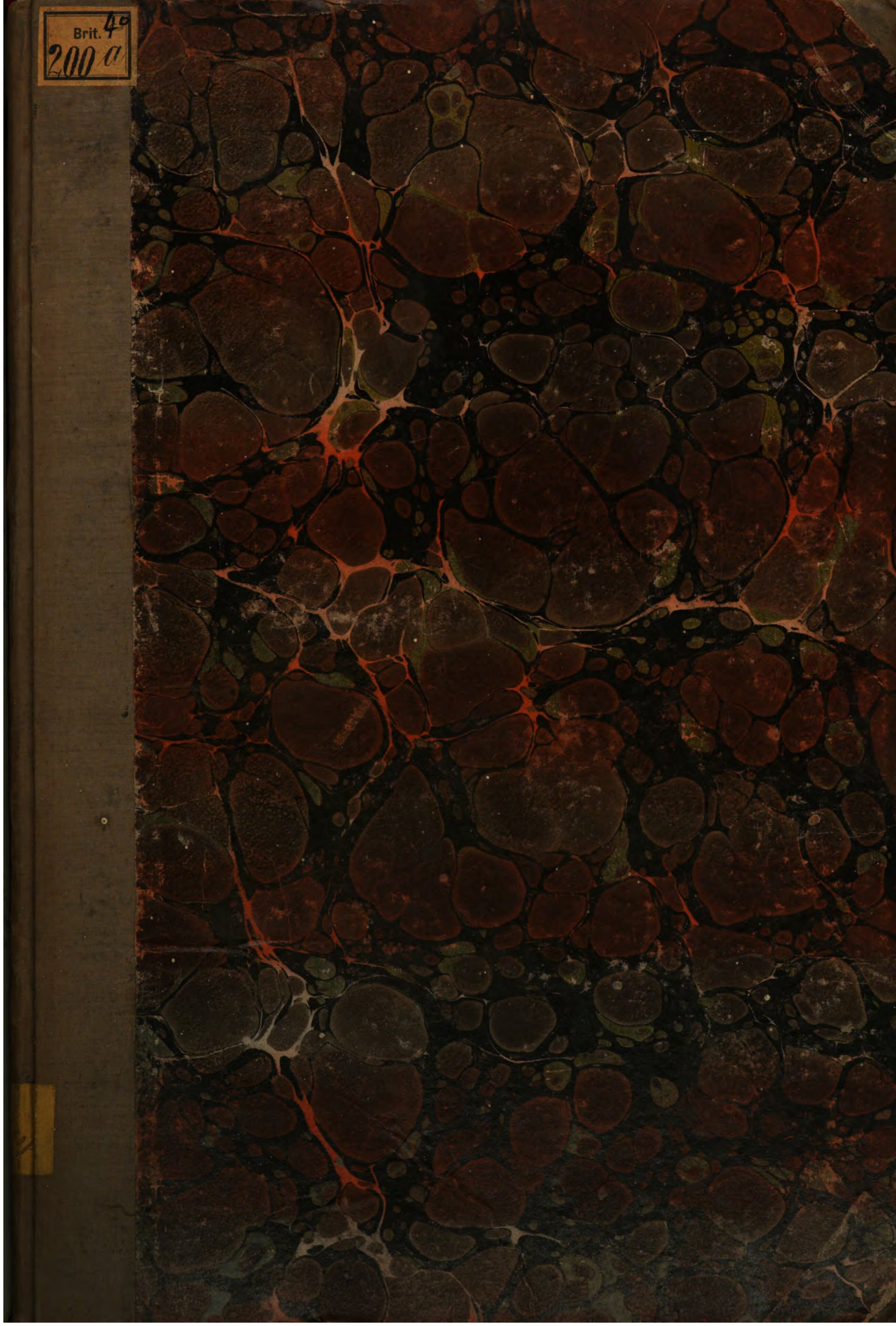


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P R O T E S T

OF

SIR FRANCIS PALGRAVE,

ONE OF THE

C O M M I S S I O N E R S

FOR INQUIRING INTO

M U N I C I P A L C O R P O R A T I O N S

IN

ENGLAND AND WALES,

IN THE MATTER OF THE REPORT PRESENTED TO HIS MAJESTY
BY THE SAID COMMISSIONERS.

(Pursuant to an ADDRESS to HIS MAJESTY, dated 3 April 1835.)

*Ordered, by The House of Commons, to be Printed,
7 April 1835.*

g.m. 220.

REPORT OF THE
COMMISSIONERS OF THE
LANDS AND REVENUE

PROTEST AGAINST THE REPORT
OF THE COMMISSIONERS OF THE
LANDS AND REVENUE
IN THE YEAR 1845



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1. The Commission of Enquiry into the State of the Land Revenue in the County of Down, was appointed by the Lord Lieutenant of Ireland, in the year 1844, and has since that time been engaged in a most laborious and important task. The Commission has the honor to acknowledge the assistance and co-operation of the various authorities and officers of the County, and to express its sincere thanks to them for the facilities afforded it, and for the information and advice which it has received from them. The Commission has also the honor to acknowledge the assistance and co-operation of the various authorities and officers of the County, and to express its sincere thanks to them for the facilities afforded it, and for the information and advice which it has received from them.



MUNICIPAL CORPORATIONS, (ENGLAND AND WALES.)

PROTEST against the REPORT addressed to The KING's Most
Excellent MAJESTY as under-mentioned.

I. HIS MAJESTY having been pleased to issue a Commission under the Great Seal, dated the 8th day of July, in the fourth year of his reign, (grounded upon the Address of the Commons House of Parliament therein recited) authorizing John Blackburne, Esq., Sir Francis Palgrave, Knt., George Long, Fortunatus Dwarris, Sampson Augustus Rumball, George Hutton Wilkinson, Thomas Jefferson Hogg, Peregrine Bingham, David Jardine, Richard Whitcombe, John Elliott Drinkwater, Edward John Gambier, Thomas Flower Ellis, James Booth, Henry Roscoe, Charles Austin, Edward Rushton, Alexander Edward Cockburn, John Buckle, and Daniel Maude, Esqrs., to proceed to inquire as to the existing state of the existing Municipal Corporations in England and Wales, and to collect information respecting the defects in their constitutions; and also to make such other inquiries as are therein directed; and also signifying His Majesty's pleasure that the said Commissioners, or any three, or more of them, should, under their hands and seals, certify to His Majesty what the said Commissioners should find, touching or concerning the premises in such inquiry as aforesaid; and also that any one or more of the said Commissioners may have liberty to certify their several proceedings from time to time, as the same should be respectively completed and perfected: the Commissioner whose name is hereunto subscribed, doth hereby state his objections to the Report addressed to the King's Most Excellent Majesty, by the said John Blackburne, Esq., and certain other of the Commissioners in the said Commission named, protesting against the same.

II. (1.) As the undersigned Commissioner differs in opinion from the other Commissioners upon points of great importance, it is proper to state that the objections to the Report have not been hastily raised.

(2.) The undersigned Commissioner having been informed in the month of October last, that John Blackburne, Esq., the chief Commissioner named in the said Commission, was collecting materials for the General Report, he shortly afterwards delivered to the said Chief Commissioner, a Statement containing a summary of the opinions which appeared to him to be the results of the evidence, so far as the same had come to his knowledge, and in which, amongst several other matters, were contained observations to the following effect:—

“ In whom is the elective franchise for corporate purposes to be vested?—
“ In considering and discussing this question, may it not be proper to pause
“ and inquire, whether Conservatives and Reformers do not respectively
“ overrate the dangers as well as the advantages of an extended popular
“ franchise?—With the fears and apprehensions of the former, *i. e.* the Con-
“ servatives, which I firmly believe to be erroneous, we have no concern.
“ But if the last, *i. e.* the Reformers, trust too much to the beneficial effects

“ of popular election : and, if so trusting, they are thereby induced to
 “ neglect the elements of good government, they will assuredly inflict the
 “ most serious evils on the country. Popular suffrage is not a panacea for
 “ all the diseases of the body politic. Popular suffrage, taken by itself
 “ alone, affords no security against the incompetency, corruption, jobbing,
 “ or despotism of the ruling body; nor does the establishment of a popu-
 “ lar constituency in anywise relieve the Legislature from the necessity of
 “ providing every possible check against maladministration. The most
 “ open borough must be watched as jealously by the law as the closest
 “ oligarchy. The vices may differ in feature, but they will be the same in
 “ nature. Popular suffrage is a most powerful engine, which may be ren-
 “ dered the means of removing causes of offence. It may tend to promote
 “ security and political cheerfulness ; but it cannot be received as the basis
 “ and foundation of political virtue, political integrity, or political order
 “ and prosperity. Municipal suffrage must not be surrendered to the mass
 “ of the people as a right which they are entitled to demand ; but treated
 “ as a free gift, bestowed upon them out of a spirit of conciliation, restor-
 “ ing confidence and harmony between the governors and the governed,
 “ and thus contributing to the general welfare of the community.

Of course these observations could not be applied to a Report then not in existence, but it will be seen that they involve a main principle of the objections hereinafter taken, that is to say, that in examining the evidence, it is proper to discriminate between those defects which may be removed by laws applied to the acts or defaults of individuals, and those that may require a change in the political constitution of Municipal Corporations.

(3.) On Thursday the 25th February 1835, the undersigned received from the Secretary of the Commission a printed Draft of the Report, with instructions to return the same on Saturday the 27th of the same month, which the undersigned Commissioner accordingly did, together with his observations thereon ; (the said observations, owing to the shortness of the period between the delivery and the return of the draft, being very hastily written); containing, amongst other matters, the following remarks upon passages in the draft, stating the general unpopularity of the Municipal Magistracy, (and which passages, with some alterations, are substantially retained in the Report) : “ This is to a certain extent true ; but
 “ we must, nevertheless, examine the position a little more closely, and
 “ distinguish between the classes amongst whom this dissatisfaction or
 “ disrespect is found, and it is our bounden duty in admitting
 “ the facts, to ascertain how far such dissatisfaction or disrespect arises
 “ from just and reasonable causes, or from feelings which the Legisla-
 “ ture should seek to calm.”—And the said observations contain the substance or spirit of the several objections hereinafter taken ; but being, as before mentioned, written with great haste, they are in a loose and unconnected form.

(4.) On Friday the 6th March 1835, the undersigned Commissioner received a second or revised printed Draft of the Report, corrected and altered, but not so as to meet any of the suggestions in the before-mentioned observations, together with a letter from the Secretary, requesting him to attend the Board on the following day, and the undersigned attended the Board accordingly, having previously written a letter to the Secretary, stating various objections to the Report ; and, amongst others, an objection,—“ that the Report, so far as it extends, does not
 “ present a pertinent, full and accurate summary or digest of the
 “ evidence relating to the subjects into which the Commissioners are
 “ directed to inquire ;”—which letter was read at the Board.

(5.) On

(5.) On Wednesday the 11th day of March, the undersigned Commissioner received a third revised proof of the printed draft of the Report, with instructions to attend a Board thereon on the following day, viz. on the 12th of March, which he did accordingly; and the Board having sat till a late hour of the evening, the same was adjourned until the following day, the 13th March.

When the Chief Commissioner had read the paragraph of the Report headed "Corporate Body," (p. 32, § 71), the undersigned stated verbally, that he had certain general objections to make, which, if valid, affected the whole of the Report from that paragraph to its conclusion, viz. that the Report did not sufficiently distinguish between those abuses which could be remedied by courts of law, or which Municipal Magistrates might, as individuals, commit in common with all other Magistrates; and those defects and abuses which in terms of the Commission were to be considered as defects and abuses inherent in Municipal Constitutions: and that, for want of this distinction, the Report, taken as a whole, made assumptions not sufficiently warranted by the evidence, inasmuch as it laid charges and affixed imputations upon the Municipal Corporations which did not properly belong to them. And further, that with respect to the state of public feeling, the Report (in his opinion) contained statements couched in stronger language than could be supported by the evidence, as would appear by an analysis of that evidence: and the undersigned Commissioner, in support of his opinion, tendered to the Commissioners a tabular analysis of the cases reported in the Southern Circuit, and proposed that the other Circuits should be analyzed in a similar manner, requesting that a Commissioner who had bestowed great pains and attention upon the Report, would assist him in making such analysis. The general objections thus made by the undersigned Commissioner were over-ruled by the Board, and declared not to be valid; and the offer of analyzing the evidence was also declined by the Commissioners. The Commissioners then proceeded to consider the Report (as in Committee); and the undersigned (as in Committee) offered various suggestions, some of which were adopted, and others rejected. At the conclusion of the sitting, the undersigned then again declared his intention of objecting to the Report, for the reasons which he had before stated to the Board. But the Commissioners stated that they should decline allowing the said Commissioner to sign the Report under Protest, or to annex his Objections thereto; an intimation to the same effect having previously been made to him. On the 14th March the undersigned received from the Secretary a further revised proof of the General Report. On the 16th March he addressed a letter to the Secretary requesting information as to the course which it was intended to pursue with respect to the Objections. And on the 24th day of March the Secretary replied that he had not received any answer from the Chief Commissioner, and informed the undersigned Commissioner that the Report had been transmitted to the Secretary of State for the Home Department.

III. (1.) The general objections to the Report are the following; viz.—that in the statements professing to be enumerations of the principal abuses and defects found in the constitution and management of the Municipal Corporations of England and Wales, the Report does not clearly and pertinently discriminate between those abuses and defects which are or may be remedied by law in Municipal Corporations as they now exist, and those abuses and defects which cannot be remedied without an alteration in the constitution of Municipal Corporations:—and that by thus refusing to admit the broad distinction between adventitious defects and inherent defects, and also between the acts of individuals and the acts of communities, the

Report contains various assumptions and inferences which the evidence (so far as it has come to the knowledge of the undersigned Commissioner, viz. the evidence obtained in the City of London, and the printed Circuit Reports of the Commissioners, ending with the Leeds Report, p. 1624), does not sustain.

It would be difficult to point out any branch of legal policy which can be investigated with accuracy and justice, unless the foregoing distinctions be admitted : but in the present inquiry, they are of vital importance. The address of the House of Commons upon which the Commission is grounded, is in the nature of an accusation ;—Municipal Corporations are to be put upon their trial before the whole High Court of Parliament. The Address is virtually an information against every Corporation which has been visited ; and any Bill adopted in consequence of the Address and Report, will be, not an amendment of abstract principles of law operating *in futuro*, but an adjudication affecting vested rights and franchises : and, so far as it alters or divests those rights and franchises, a Bill of pains and penalties. In the great case of the City of London it was argued, and most conclusively, that the franchises of a Corporation are not liable to forfeiture by reason of the misuser of its individual members ; whereas the assumptions and inferential statements adopted by the Report make each Corporation liable not only for the acts of its own members, but also for the acts of the members of every other Corporation. Each personal default, each local abuse, is ascribed to the whole aggregate of Municipal Corporations : including not merely the transactions of the present era, but ranging without limitation of time to the past, and suggesting, as existing defects, abuses which have ceased or have been wholly extirpated. And although it is not maintained that the High Court of Parliament, acting in its legislative capacity, should conform to the strict and technical rules required in cases between party and party, yet, it is submitted that the evidence should be presented to the Legislature in a form regulated by the maxims and dictates of justice : and furthermore that although the Report of the Commissioners is in no wise stringent upon the Legislature, it nevertheless is fit and proper that in such a Report an endeavour should be made to sum up the evidence, so as to assist Parliament in the duty of applying the evidence to the several branches and bearings of the subject : pointing out also those portions of the evidence which ought not to be received implicitly, or which ought to be wholly rejected. It is further submitted that in order to assist Parliament in the duty of forming a right judgment, the evidence ought to have been analyzed and digested, distinguishing, in all needful cases, between the acts of individuals and the defaults of communities : and further so as to discriminate clearly under each head or article of inquiry, between and amongst the following classes of evidence ; viz. I. Evidence relating to abuses capable of being remedied by the ordinary course of law, or by new laws remedial of the abuse, but not necessarily affecting the present form of Municipal Corporations. II. Evidence relating to defects inherent in the present form of Municipal Corporations, and by which they are rendered inadequate to the wants of the present state of society, or perverted from their proper ends. III. And lastly, evidence which ought to be carefully examined before it is admitted as the motives of legislation, or wholly discarded. And that by neglecting this, or some similar mode of sifting and trying the relevancy of the evidence, various assumptions generalizations and inferences, are presented to Parliament by the Report, which are not sufficiently supported by the evidence to which the Report refers. The whole of the evidence is not before Parliament, but the Report states, that the Commissioners “ have reason to believe, that the remaining Reports will not affect their
“ conclusions,

“ conclusions, otherwise than by affording further illustration and confirmation ;” (p. 15) and the mode of reasoning would not have been altered had the General Report been postponed until the production of the whole of the evidence.

(2.) It is stated in the Report “ that there prevails amongst the inhabitants of a great majority of the incorporated Towns, a general, and in the opinion of the Commissioners, a just dissatisfaction with their Municipal Institutions,” and “ that the existing Corporations of England and Wales neither possess nor deserve the confidence or respect of His Majesty’s subjects.” (p. 49). That is to say, that there is a great majority of dissatisfied towns, and a majority of dissatisfied inhabitants in each dissatisfied town ; whereas it appears, so far as the existence of dissatisfaction can be collected from the printed Circuit Reports, that the feeling which in the loose language of conversation is termed *general unpopularity* exists only in a small proportion of these communities (see Tables hereto annexed, pp. 22–32) ; and whilst it is thus proved by the evidence, that such dissatisfaction does not exist in a great majority of the incorporated towns, it is impossible to ascertain the absolute extent of dissatisfaction or distrust in the places where (according to the Circuit Reports) it does prevail. In the Report it is assumed to be a general and preponderating feeling : but the evidence does not afford (nor could it afford) any sufficient data from which such an inference can be drawn. There is no evidence of the numerical proportion of the non-contents to the rest of the inhabitants. The Report further affirms, and offers as the grounds upon which Parliament is to pronounce a penal judgment, and in addition to the before-mentioned “ general” and “ just dissatisfaction,”—“ a distrust of the self-elected Municipal Councils,” “ a distrust of the Municipal Magistracy, tainting with suspicion the local administration of justice, &c.,” but the Commissioners have not the means of measuring the extent of such dissatisfaction distrust or suspicion, with any degree of accuracy. The individuals (and what were their numbers, whether few or many, is not stated) who came before the Circuit Commissioners, for the purpose of testifying upon these points, can only be received as competent evidence so far as they speak to their own opinions. But their opinions do not afford a test of the opinions of those who remained at home, and respecting whose sentiments the Commissioners could not, from the very nature of things, obtain any information. In such matters even the result of a poll at an election is a very insufficient test : for very many of those individuals whose opinions and sentiments ought to be collected and consulted, abstain from active interference in public affairs. And if it be desirable, as it may possibly be on future occasions, to collect the opinions of the inhabitants of a town upon their Municipal Constitution, no certain mode can be adopted, excepting by the double operation of opening a general declaration book at the Guildhall, and also of sending the parish or ward officers round from house to house, to collect the “ contents” and “ non-contents” of such inhabitants. By nothing short of this process, can the deliberate decision of an inhabitancy be obtained. In a mere question of property, the Legislature requires a specific record of “ assents” and “ dissents” and “ neutrals” to the line of a canal or a railroad ; and the same precaution is fully as desirable where the measure concerns the rights of a whole community.

(3.) The evidence thus failing (as it is submitted) to sustain the position of the preponderating extent of the dissatisfaction, assumed by the Report to be “ general,” it becomes expedient to consider its nature and

value ; whether, in the emphatic phrases of the Report, it is a "just dissatisfaction," and whether it is a testimony that the "existing Corporations of England and Wales neither possess nor deserve the confidence or respect of His Majesty's subjects."

In a certain proportion of Towns the dissatisfaction of the inhabitants is ascribed to particular causes, not unfrequently to the assertion of rights, which, though legal, are displeasing to the inhabitants, or of which the inhabitants contest the legality. The "public mind" is dissatisfied in Penryn because the Corporation holds a property of which it has been in uninterrupted possession since 1669 (Evidence, pp. 565, 566 ; App. p. 48). At Arundel, the inhabitants are dissatisfied because a common is withheld, of which, as the Commissioner reports, the freehold had been so long in the Burgesses or Corporation, that it seemed useless to prosecute the inquiry : whilst in the same place much angry feeling is excited in relation to the share which the Corporation ought to take in paying the church rate. (Evidence, pp. 669. 673 ; App. pp. 55, 56). In South Molton, the inhabitants are dissatisfied because they conceive they have a right to be consulted in the "disposition of Copes' property." (Evidence, p. 616 ; App. p. 52). At Kingston-upon-Hull, they are dissatisfied (amongst other causes) in consequence of the exaction of market tolls, &c. the Corporation having been successful in actions respecting such tolls. (Evidence, p. 1569 ; App. p. 78).

In a second class, magisterial acts, improperly exercised, or believed, supposed suspected or inferred to have been exercised improperly, are the causes of dissatisfaction. At Lyme, dissatisfaction arises from the stopping up of a footpath, by which the public have been deprived of the accommodation which it afforded. (Evidence, p. 1315 ; App. p. 71). In Chichester, dissatisfaction arises from the licence of a public-house, granted in 1813. (Evidence, p. 725 ; App. p. 58). At Dover, dissatisfaction arises from the strong belief that the justices have granted or refused licences from improper motives ; and "two or three cases were mentioned which tended to an inference" that the justices had refused such licences to soldiers and sailors, entitled under Acts of Parliament to carry on trades in corporate towns, until they had purchased their freedom, "but no instance of this was fully substantiated." (Evidence, p. 952 ; App. p. 64). And in Southampton, a complaint, "of unfair distribution of public-house licences anterior to the year 1815," founded upon instances which could not be distinctly made out, and which the Commissioners diminish to a "suspicion ;" and another "suspicion" of a "wish," on the part of the Corporation, to decline acting upon a presentment (of which they had no knowledge) made by a leet jury against a member of the Corporation for using defective weights and measures, are reported by the Commissioners as the grounds of "want of confidence in the Corporation." (Evidence, pp. 878. 883. 887 ; App. pp. 62, 63).

A third class exhibits the "dissatisfaction" arising from the unpopularity of particular members. In Tenterden, "a feeling of rancour, which it is impossible to exaggerate," and which is extremely prejudicial to the interests and quiet of the town, has been occasioned by the exclusion of a dissenting candidate from the office of town clerk by the operation of the Test Act in 1824. (Evidence, p. 1064 ; App. p. 67.) And in Newport (Isle of Wight), where the discontent is said to attach itself indiscriminately to every object connected with the Corporation, the principal mark of popular dislike is also the town clerk. Of this individual the Commissioners say, "there appeared not only a nabsenceof the slightest ground for imputation in any office, but an absence of anything like a definite suspicion of any sort." Evidence, p. 776 ; App. pp. 60, 61). The cause of this
adverse

adverse feeling is simply the magnitude and emoluments of the business carried on successfully by the town clerk and his firm, not so much in Newport as in other parts of the island, inasmuch as the said town clerk's firm "holds almost all the appointments in the Isle of Wight which are commonly bestowed upon that profession."

Lastly, is the dissatisfaction arising, as far as it can be traced, from party or political feeling, though probably, in most cases, with some admixture from the preceding causes.

In Banbury, where all the several charges against the Corporation were disproved, the Commissioners report these refuted charges as "proofs of the existence of an inveterate suspicion and distrust on the part of the inhabitants towards the local Magistracy, which leads even intelligent and well-instructed persons to believe improbable suggestions and accusations upon little or no evidence." (Evidence, p. 14; App. p. 34.) In Evesham, "Complaints were made of the narrow and exclusive spirit in which the body is perpetuated. Every one who is known to entertain opinions at variance with those of the influential part of the Corporation, is carefully excluded from that body," (Evidence, p. 54; App. p. 34); but in the following page, the Commissioners proceed to state that, "as far as we had the means of judging, it appeared that the Municipal authority was vested in the best hands, with reference both to intelligence and character, to be found in so small a district;" thus contradicting, by their own testimony, the preceding evidence as to the unfair exclusion of parties opposed to the Corporation: yet nevertheless the Commissioners come to the conclusion, "That whilst such a persuasion (*i. e.* of injustice), as we have described, prevails, whether with or without reason, the administration of justice must be attended with a degree of discredit and mistrust, which cannot but be prejudicial to every social institution." (Evidence, p. 55; App. p. 34.) In Gloucester, where all the charges brought against the Corporation are dismissed, and the corporate management of the town proved to be meritorious, "it was strongly urged by the parties opposed to the Corporation, that, though the business were never so well conducted by the present Corporation, the jealousies and animosities occasioned by the system of self-election were productive of great evil to the inhabitants at large." (Evidence, p. 62; App. pp. 34, 35.) In Marlborough, the Commissioners say, that "although upon a full inquiry we find the decisions of the Borough Magistrates in several instances of imputed misconduct to have been correct, the conviction of their political opponents, that judgment is pronounced according to a political bias, produces many of the worst effects of a denial of justice." (Evidence, p. 85; App. p. 36.) In Reading, all the various charges brought against the Corporation are dismissed; some of these involving a grave inculpation, viz. corrupt partiality in granting leases of the Corporate property to their own members. Here the Commissioners state, that the "mayor, aldermen, and assistants, constitute the ruling body of the Corporation; they are self-elected, and it may probably be ascribed to this circumstance, and to the fact that members of the same family have happened to belong successively to the Corporation for the last fifty years, that their conduct is viewed by the inhabitants of Reading with a degree of jealousy and dissatisfaction which their official acts taken by themselves are by no means sufficient to account for." (Evidence, p. 113; App. pp. 37, 38.) In Bristol the state of public feeling is such "that it seems doubtful whether the Corporation could now do an act of real liberality without becoming liable to suspicion and reproach." (Evidence, p. 1223; App. p. 70). And in the majority of cases, the cause of dissatisfaction is the

preference given by the Corporation to individuals of a particular party. But all bodies and sets of men will prefer individuals of the same mode of thinking as themselves, and as far as it is an evil, it is one which the law never can recognise, because the law never can afford a remedy.—Such then is the nature of the dissatisfaction and distrust of the Municipal Magistracy, assumed by the Report to be “general,” and pronounced to be “just;” but which may be dismissed with the one remark, that although such dissatisfaction must be carefully, temperately and dispassionately weighed and considered, and neither slighted nor contemned nor despised, still that the epithet of “just,” as applied to the same, ought to be expunged from a document professing to assist the deliberations of Parliament.

(4.) The Report describes (as before quoted) the “distrust of the self-elected Municipal Councils, whose powers are subject to no popular control, and whose acts and proceedings being secret, are unchecked by the influence of public opinion,” “a distrust of the Municipal Magistracy, tainting with suspicion the local administration of justice,” &c. &c. (p. 42), grounding (as it is presumed) these phrases upon the evidence of the Circuit Reports. The Report gives also condensed statements of the “defects found in municipal constitutions,” illustrated not unfrequently by one or more specific examples quoted by name, but usually omitting all dates and collateral circumstances, the time when, and the manner how, when the event occurred, or the act was performed.

That the Circuit Commissioners should patiently receive and diligently inquire into all complaints, charges and accusations, however trivial, which were brought before them, was a proper execution of their powers; nor was it competent for them to exclude from their Reports those subjects of inculcation, which having taken place years ago, and in some instances beyond the memory of man, could scarcely be investigated with precision: but it is submitted, that, as an integral part of the general case, and as elucidating the nature of the evidence, the Report should have called the attention of the Legislature to the many instances in which accusations, often unimportant themselves, and propounded without adequate proof, were zealously urged as grievous charges. This is attempted in the Tables hereto annexed (pp. 22–32); and upon perusal of the evidence to which the Tables refer, it will appear, that the “suspicions with which the local administration of justice is tainted,” and the “contempt of the persons by whom the law is administered,” have (so far as can be ascertained from the Reports) very frequently—perhaps most frequently—no better ground than the feelings “which lead even intelligent and well-instructed persons to believe improbable suggestions and accusations upon little or no evidence.” (Evidence, p. 14; App. p. 34); or the suggestions of the spirit under the influence whereof “the motives and actions of the corporate body, even where they are unexceptionable and meritorious, are constantly regarded with distrust, and become the subject of misrepresentation.” (Evidence, p. 116; App. p. 38). The dates of transactions, omitted in the General Report, material elements of investigation under any circumstances, are most essential in this penal inquiry; for we must never lose sight of the main point, that the Report contemplates an adjudication. Some acts—highly improper in themselves—belong literally to the infancy of the present generation, others to the past, the traditions and legends, of the borough; others never can recur again, either in consequence of the change of circumstances in the country, or by reason of the prohibition of the law; yet all these are narrated as subsisting and flourishing abuses, and propounded as the motives for legislation.

(5.) The

(5.) The Report (p. 45, § 108) states, that in "some towns," large sums have been spent in bribery, and the other illegal practices of contested elections. From the context, it appears that Parliamentary elections are inferred; and that the sums were expended out of Corporate Funds. As specific examples, the Report quotes the notorious case of Leicester in 1826; and states, that "in Barnstaple and Liverpool the funds of the Corporation have been wasted in defending from threatened disfranchisement a body of freemen who had been proved guilty of bribery." With respect to Barnstaple, the money was expended in opposing a Bill introduced into Parliament, after a contested election in 1826, intituled "An Act for the prevention of bribery and corruption in the election of Members of Parliament for the borough of Barnstaple, in the county of Devon," and which Bill was thrown out in the House of Lords, (Evidence, p. 433; App. p. 43); thereby affording an inference that the freemen were not proved to be guilty of bribery before that tribunal; and that, acting as conservators of its Corporate privileges, the Corporation was bound to oppose the Bill. It is not altogether unworthy of notice, that the Circuit Commissioners proceed to state that "no part of the funds of the Corporation [of Barnstaple,] have ever been expended in contested elections; the Corporation have been generally divided in opinion upon the merits of the candidates, they have not as a body therefore interfered." (Evidence, p. 433; App. p. 43.) But the main objection to this section of the Report is, that the reader cannot possibly discover, that the evil, great and crying as it certainly was, is now entirely remedied; the very case of Leicester having been the cause of the introduction of the Bill, since passed into a law (2 & 3 W. 4, c. 69), for "preventing the application of Corporate property to the purposes of election of Members to serve in Parliament." No other Corporation, except Leicester, appears on the face of the printed Reports to be charged with this abuse. The Report thus assumes as a general charge, that revenues "which ought to be applied for the public advantage, are diverted from their legitimate use, and are sometimes squandered for purposes injurious to the character and morals of the people;" whilst the chief and principal foundation for this charge, in which all Corporations are involved, is an abuse or act of delinquency committed by one Corporation, and which abuse has been thoroughly and effectually reformed.

(6.) The Report (p. 45, § 108) states that "the evils which have resulted from mismanagement of the corporate property are manifold, and of the most glaring kind; some Corporations have been in the habit of letting their lands by private contract to members of their own body, upon a rent and at fines wholly disproportionate to their value, and frequently for long terms of years:" and the Report adds, that at Cambridge, practices of this kind have prevailed to a very great extent. This is a very grave malversation, and one for which the constitution of close Corporations would seem to have offered much impunity. The Cambridge Report is not yet printed, but it appears from the printed Reports that accusations of such malpractices were preferred against the following Corporations; viz., East Looe, Kendal, Gloucester, Reading, Aberystwith, Barnstaple, Fordwich, and Carlisle. In East Looe, no evidence was given to support the charge. (Evidence, p. 535; App. p. 48.) In Kendal, the case is at once dismissed by the Commissioners, (Evidence, p. 1593; App. p. 79). In the Gloucester case, the Commissioners were satisfied that the rents reserved upon two of the leases were the full value of the land, and of the third lease, more than the value. (Evidence, p. 66; App. p. 35.) At Reading, where the charges were "strongly pressed upon our attention," the Commissioners, having allowed a whole day for the purpose of enabling both parties to procure evidence, were satisfied, after a long and minute inquiry, that the charges were without foundation. (Evidence, p. 116; App. p. 38).

App. p. 38). At Barnstaple, before the present town clerk came into office, (an event which took place twenty-seven years since,) many leases were granted by the Corporation without public competition, and sometimes to members of the Corporation. A specification of these leases would not have been superfluous: (in the Reading case the particulars are fully given;) but the Commissioners could "form no estimate of the value of the property," a mode of stating that no sufficient evidence was produced; yet "a strong opinion seemed to prevail with some of the witnesses, that in a few cases the fine taken by the Corporation and the rent reserved were inadequate to the value of the premises granted." (Evidence, pp. 432, 433; App. p. 43). At Fordwich, "the freemen conceive" that the freehold "of a very small extent of ground," "worth very little," and used for the purpose of drying fishing nets, belongs to the Corporation. It is in the possession of the devisee of a late mayor, who maintains that they were merely allowed the use of the said land. The matter is still in dispute, and the Commissioner could not obtain any satisfactory evidence as to the right of property. (Evidence, p. 992; App. p. 65.) At Aberystwith, an individual, who often served the office of mayor, is the lessee of two parcels of land, now of considerable value. But, "how far this gentleman may have availed himself of his influence with the Corporation, for the purpose of obtaining a beneficial lease of the premises in question; or how far improvident bargains may have been made on the part of the Corporation in the other leases granted by them, it would now be difficult to determine; the transactions were not conducted in such a way as to be altogether free from suspicion." (Evidence, p. 173; App. p. 39.) The last and most important case of this description occurs at Carlisle, where, between the years 1700 and 1750, various demises were made by the Corporation of a tract of land called King-moor, for lives, for nominal considerations, and with covenants for perpetual renewal, the larger portions to members of their own body, and the smaller to freemen.* About 50 years ago the Corporation contemplated resisting the renewal of these leases, but being advised they could not do so legally, the leases were renewed. Other grants have been made by the Corporation to its members. About twenty years ago, a small piece of land was let by the Council to one of its own members for 999 years, at the annual rent of 6*l*. Three years afterwards he sold his interest in it for 70*l*.; and in the year 1815, the Corporation, for a nominal consideration, granted to the Recorder the site of a building in "Scotch-street;" but which grant was in fact an exchange. Evidence, p. 1477; App. p. 74). These cases are here stated somewhat in detail, because the details alone will show, that the assumption that Corporations are in the "habit" of committing the most culpable species of malversation, rests (except so far as it may be supported by the Cambridge case and the other inedited evidence) upon the "conceptions" of the Fordwich witnesses; the "strong belief," without evidence, of the Barnstaple witnesses; the "suspicions" which attach to the Aberystwith demise; the value of a moor in Cumberland in the first half of the eighteenth century; and the bargain made about twenty years ago by the member of the council at Carlisle.

(7.) The Report states (p. 46, § 117), "that the debts incurred by many Corporations have been swelled to their present amount by the most negligent and improper management. At Berwick-upon-Tweed, where the freemen manage the affairs of the Corporation, and possess commons of the value of about 6,000*l*. per annum, they have borrowed money expressly for the purpose of dividing amongst themselves." It is strange that

* Possibly a moor upon which the freemen had previously a right of common.

that Berwick-upon-Tweed, the only specific example quoted, should be brought forward thus prominently in a general Report upon the Corporations of England and Wales. Belonging to this Corporation is a very large tract of land, divided into three great portions ; one of these portions is subdivided into smaller parcels called "stints," which the Burgesses take in severalty ; another portion, formerly common land, and upon which each Burgess was antiently entitled to a right of pasture, is now inclosed, but the rents are divided amongst the Burgesses. A third portion of the land is held for the general purposes of the Corporation ; and the Burgesses, in guild assembled, have very ample powers for governing and disposing of all their lands. Under these circumstances, they have purchased the tithes, and paid for repairs and various other charges out of the aggregate or Corporation portion ; and up to the year 1817 they paid the poor's-rate in the same manner, borrowing money to make up deficiencies ; by which means a very large debt has accumulated. (Evidence, pp. 1443. 1449 ; App. pp. 72, 73). No doubt can be entertained of the extreme impolicy (perhaps illegality) of such a course ; but at the same time it is equally certain, that the acts of a community thus circumstanced afford no standard whatever for estimating the management of other Corporations. The abuses of Berwick-upon-Tweed, brought forward as the prominent feature of the case, is one from which no general conclusion can be drawn, and which no general enactment could remedy. The reform must be effected by a local Act, adapted to the special circumstances of the Corporation. As to the debts incurred by the mismanagement of many not named Corporations, no judgment could be pronounced without a very minute examination of their affairs, and it appears from the Reports, that the Circuit Commissioners did not always conclude that the amount of debt incurred by a Corporation, was a proof of negligent and improper management. Amongst the largest debts incurred by any Corporation in the west of England, is the debt of Plymouth, (viz. 39,900*l.* on mortgage ; annuities payable annually, 2,124*l.* 10*s.* 8*d.*, &c. &c. (Evidence, p. 594) ; and yet the Commissioners report that " we have not visited any Corporation in the west of England so well managed, in all respects, as " the Corporation of Plymouth." (Evidence, pp. 595, 596 ; App. pp. 50, 51). More will be said about Plymouth in another part of this Protest, (p. 16).

(8.) But in no portion of the Report is the want of pertinency, in the consideration of the evidence, so apparent, as in those sections (pp. 37 to 43, § 80 to 102) which treat of the governing bodies and corporate officers, and of the jurisdictions which they exercise. The evils resulting from the inherent defects which the Corporations are utterly unable to correct or remove, are amalgamated with inferences arising from the real or assumed defaults of the present magistracy ; and whilst, as before observed, the Report makes the Corporations responsible for the acts of individual magistrates, so, on the other hand, does it equally represent the individual magistrates as answerable for the defects of their corporate institutions. To unravel this perplexed web would be, in fact, to draw another Report ; and it will only be possible in this Protest to point out some of the leading passages which (as it is submitted) the evidence does not sustain.

The Report states that " the magistrates are usually chosen from the " aldermen, and the aldermen are generally political partizans. Hence, " even in those cases in which injustice is not absolutely committed, a " strong suspicion of it is excited, and the local tribunals cease to inspire " respect." The suspicions, however strong, excited in the minds of those whom the Circuit Commissioners denominate " intelligent and well- " instructed persons," who " believe improbable suggestions and accusa-

“ tions upon little or no evidence,” and who, being completely refuted by facts, which placed the innocence of the accused magistrate “ beyond doubt,” then, in the words of the Circuit Report, (Evidence, p. 12 ; App. p. 33), renew their accusation “ by shifting their ground,” and “ assert and appear to believe” another charge, wholly contradicting the one first preferred, and which, like that first, was completely negatived—need not be examined. But the Report, by the expressions, “ even in those cases where injustice is not absolutely committed,” &c. infers that injustice is absolutely committed in the general practice of local tribunals ; and which inference appears as a substantive assertion in a subsequent paragraph, though there the injustice is ascribed to another cause : “ Even in the more important boroughs, great “ injustice results from entrusting the powers of sitting as magistrates in “ quarter sessions, and as judges of civil procedure, to persons not having “ professional knowledge and experience ;” thus uniting to the general charge of injustice arising from the party spirit of the magistracy, another general charge arising from their incompetency. In the printed evidence, the following charges of injustice appear to have been preferred. In Banbury (Evidence, p. 12, App. p. 33), and Reading (Evidence, p. 16, App. p. 37), where they were entirely disproved. In Dartmouth, where the magistrate was insane. (Evidence, p. 483, App. p. 45.) In Evesham, where a case was adduced, “ rather as having a suspicious appearance “ than as forming the ground of any actual inculpation,” and in which, though the Commissioners investigated the matter with some diligence, “ they could not come to any certain conclusion.” (Evidence, p. 55, App. p. 34.) At Marlborough, where the Commissioners, “ upon full inquiry, find that the decisions of the borough magistrates, in several cases of imputed misconduct, have been correct.” (Evidence, p. 85, App. p. 36.) In New Radnor, where the magistrates “ either have “ had, or are suspected to have had, a political bias, which has been a “ source of considerable dissatisfaction to persons of the opposite party ;” “ but, though the judges of the court are such as have been described, “ the court is greatly resorted to.” (Evidence, p. 359, App. p. 42.) At Carmarthen, where there are “ suspicions” of political bias. (Evidence, p. 213, App. p. 40.) In Launceston, where “ evidence was given to prove “ that the inhabitants had not implicit confidence in the administration of “ justice.” This evidence, however, was given to prove nothing, except as to the “ one case” “ particularly detailed” to the Commissioners. It was the liberation, “ by the order of a clerk in the bank and of a solicitor,” of a party charged with forgery, but who, instead of being brought before the magistrates for examination or committal, had been allowed to remain in the custody of the constable at the Turk’s Head public-house for two days. (Evidence, p. 521, App. p. 47.) And at Bradninch, where a complaint was made “ that a pathway, passing near the property of “ a member of the Corporation, to a public well, had been stopped up ; “ this had been regularly done by an order of two of the borough magistrates, who had viewed the place. By the stopping up of the path, “ the public are compelled to go from a quarter to half a mile round ; “ and although in general there is a copious supply of water from other “ wells, yet in summer the additional labour of procuring the water from “ the well in question appears a public inconvenience.” (Evidence, p. 460, Appendix, p. 44.) The details of this case must not be considered as trifling or tedious, because thereupon, and upon the Launceston case, the general inference or inuendo in the Report of the perversion of justice seems to be founded. The “ inexpediency of entrusting individuals, not “ having professional knowledge and experience, with the powers of sitting “ as magistrates in quarter sessions,” is an objection, not of a defect in
municipal

municipal constitutions, but in the general constitution of the authority of justices of the peace. Another defect pointed out in the Borough Courts, viz. "the intimacy between the judge and the parties;" "the interval of a few minutes converting the tradesman and the customer into the judge and the suitor," exists to the same or a greater extent in the courts for the recovery of small debts, usually called Courts of Request. Most certainly all these defects should be thoroughly investigated, but they should have been pointed out as defects which the borough magistracy have in common with other judicatures; whereas the Report in this, as in other instances, concentrates the whole sum of abuse upon the municipal magistracy.

The Report states that the corporate "magistrates, generally speaking, are not looked upon by the inhabitants with favour or respect; and are often regarded with peculiar distrust and dislike." "The corporate magistrates are often selected from a class incompetent to the discharge of judicial functions, and the consequence has been a great defect in the administration of justice." And in support of this position, the Report quotes the unprinted case of East Retford, resting upon the evidence of the "respectable individual who had been clerk to the magistrates;" the unprinted Wenlock case, and the Malmesbury case, (Evidence, p. 79; App. pp. 35, 36), where the magistrates are often unable to read and write. And the Report proceeds to state, "that the evils resulting from the ignorance and inefficiency of the borough magistrates, are heightened by gross defects in other parts of the judicial system."

The assumptions in these passages bear upon the personal qualifications of the borough magistracy for the offices which they hold. The question of personal competency for offices, is a question in all cases one of great delicacy, and involving much consideration of collateral circumstances; and whenever it becomes necessary for the law to designate (either directly or indirectly) any peculiar class of individuals as fit for peculiar offices, or (either directly or indirectly) to exclude them as unfitted, the same question offers one of the most difficult problems of practical legislation. And it is only necessary to observe, that the data contained in the evidence, are not adequate for the solution of the problem. Malmesbury (like Berwick-upon-Tweed,) is an isolated case, the borough being, in fact, a territorial community, in which the principal objects of the Corporation (except so far as it has been kept up for Parliamentary purposes) are the distribution of the town lands, after a singular custom which is probably as old as the reign of Athelstane, from whom (as they suppose) they received their first charter. (Evidence, pp. 77, 79, 80; App. pp. 35, 36). The Report does not offer any other example of a similar ancient constitution, nor of similar want of education and instruction. It is true, that in certain Welsh boroughs, Aberavon, Kenfig, Kilgerran, and St. Clears (Evidence, pp. 165, 269, 279, 377), the Reports state that the magistrates are unacquainted with business, and so ignorant of the English language, that "scarcely any information could be collected from them" (p. 165); but inasmuch as it appears from the Reports, that the Commissioners were unprovided with an interpreter, the incompetence of the magistrates could not be easily ascertained: and it is submitted that ignorance of the Welsh language would (in the magistrates), have opposed a more serious obstacle to the transaction of business in a remote Welsh borough where the inhabitants do not speak English, than the deficiency animadverted upon by the Commissioners.

But with respect to inefficiency, it may be collected, that the opinion of the inhabitants is not entirely in unison with the opinions expressed

in the Report. For in that same Report, when treating on the borough courts, it is said, "notwithstanding these defects, a very general desire was expressed on the part of the inhabitants of these boroughs, where the civil courts had fallen into disuse, for their revival." It is not unworthy of notice, that in the particular case of Chard, the Circuit Commissioners argue strongly against the opinion of the inhabitants, asserting, that "the boon"—the extension of the powers of the civil court—"which many of the inhabitants appear to desire, would not be valued by them, nor answer its proper ends, unless it were accompanied with an alteration in the mode of choosing the members of the Corporation;" (Evidence, p. 1242). In the case of Newbury, where the court, recently revived by the Corporation upon the request of the inhabitants, is very useful, and much resorted to by the tradesmen of the town, the Commissioners report hypothetical abuses and dissatisfaction—"whether upon a longer experience, abuses and inconveniences may not arise in a court so constituted, may be doubted; no dissatisfaction was however expressed on this head." (Evidence, p. 91). And lastly, where there is no abuse, and where Corporations appear to be popular on the part of the inhabitants, the Commissioners, on their parts, doubt the propriety of the existence of Corporations. (Henley, Evidence, p. 74; Newbury, Evidence, p. 93; Tregony, Evidence, p. 652.)

(9.) The Report states, as before observed, "that the evils resulting from the ignorance and inefficiency of the Borough magistrates are heightened by the gross defects in other parts of the judicial system;" and the defective composition of the juries of the Borough Courts is instanced, which being sometimes exclusively composed of burgesses, are strongly tainted with party feelings; and they instance three specific cases, Northampton (unprinted), Carmarthen and Haverfordwest (Evidence, pp. 213. 239; App. pp. 40, 41). There can be no doubt but such a mode of selecting juries, often coupled with the immunity of exemption from county juries, is a great obstacle to the impartial administration of the law. But the condemnation so justly pronounced against the custom, would perhaps have acquired additional strength, if the Report had not taken two out of the three specific examples from the Welsh counties, where trial by jury is notoriously tainted by local factions and prejudices: and where the same perversions of feeling, which cause civil trials to be held in the next English county, must operate with even greater force in criminal prosecutions.

(10.) This is followed by a section noticing another abuse of considerable importance, so far as relates to principle. The Report having, as before quoted, alleged "that the evils resulting from the ignorance and inefficiency of the borough magistrates are heightened by gross defects in other parts of the judicial system," and having pointed out the bad composition of juries as the first of such defects, then states, as another defect, the union of the most incompatible offices in the person of the town clerk, and amongst other instances, they state that at Reading, the town clerk, during his mayoralty, tried and taxed the costs of a cause in which his partner was one of the attornies. "This union of conflicting duties," the Report proceeds, "is very adverse to the proper administration of justice; it is a frequent cause of suspicion and jealousy amongst the inhabitants, even where the character of the officer is a security against improper conduct." But it might have been expedient to add, that the latter sentence contains not a supposition but a fact. In the Reading case, the Circuit Commissioners add, that they were "satisfied, upon a careful and minute investigation, that there was

“ no ground for the charge of individual misconduct ; that the cause
 “ was properly conducted and decided, and the defendant had never
 “ complained of the decision of the jury, or of any part of the proceed-
 “ ings.” (Evidence, p. 114 ; App. p. 37). In the analogous case of
 Newport, Isle of Wight, there appeared “ not only an absence of the
 “ slightest ground for imputations of malversation in any office, but an
 “ absence of anything like a definite suspicion of the sort.” (Evidence,
 “ p. 776 ; App. p. 60). At Bridgewater, it is stated, that “ when the
 “ town clerk and his son were in partnership, it appeared that writs had
 “ been issued in the name of the son on the partnership account. We
 “ did not find that in the instances proved before us the practice had
 “ been abused for any improper purpose ; but it is obvious that the union
 “ of the two characters is highly objectionable.” (Evidence, p. 464 ;
 App. p. 44). Most unquestionably the practice is highly objectionable :
 but it would be as legitimate an inference as any which the Commissioners
 have drawn, that “ *the defects in the Borough system are not unfrequently*
 “ *diminished by the honour and integrity of the Corporate officers.*”

(11.) It is not easy to understand the principle upon which the acts of
 mismanagement of charitable trusts and schools are enumerated amongst
 corporate abuses. (pp. 47, 48, § 120, 121). The founders of the several
 charities selected the Corporations as trustees, and if the Corporations do
 not fulfil the intentions of the founders by whom they were so selected,
 the Court of Chancery has afforded, or will afford, an adequate remedy.
 “ At Winchester,” the Report states, “ the management has been actually
 “ taken from the Corporation in consequence of notorious malversation.”
 The Circuit Report simply states, that “ by decrees of that Court
 “ (*i. e.* the Court of Chancery), authorized by an Act of Parliament,
 “ the trusts in all the charities heretofore vested in the Corporation
 “ of Winchester, were transferred to and vested in new trustees.”
 (Evidence, p. 907). The Corporation of Winchester has lost its autho-
 rity : and in any other case of similar abuse, it may be redressed in
 the same manner. The other cases (of which Newbury, Tewkes-
 bury, Haverfordwest, Tenby, Exeter, Tiverton, Torrington, Totnes
 and Truro, are the most important) may be found by reference to
 the Tables. It is sufficient to observe, that many of these cases have
 been regulated by the Court of Chancery ; respecting others, suits are
 pending. Some have not yet been brought before the Court. One of
 these, Tewkesbury, is specifically quoted in the Report. It appears from
 the Circuit Report, that “ an opinion prevails in the town, that the “ pre-
 “ sent master conducts the process of tuition with improper severity.”
 “ Representations on this subject have been frequently made to the
 “ Governors, who have however proceeded no further than to caution
 “ the master on the subject, and to recommend recourse to a discipline
 “ of less severity.” “ This seems to have produced some effect, but com-
 “ plaints of undue severity are still made,” &c. &c. (Evidence, p. 127 ;
 App. p. 39.)

(12.) The Commissioners state in the Report, “ that they have con-
 “ sidered that the terms of the Commission do not authorize them to
 “ recommend specific measures for the improvement of the corporate
 “ system, and that they have therefore refrained from pointing out even
 “ the most obvious remedies for the imperfections they have observed,
 “ unless so far as the suggestion of the remedy in some cases is unavoid-
 “ ably implied in the state of the evil.” But without inquiring whether
 they are or are not correct with respect to their powers, it appears, that
 although the Report does not suggest any specific measures, yet that “ popu-
 “ lar control,” and “ the influence of public opinion,” are prescribed by the

whole tenor of the Report as the specific remedy for the "principal defects which they have found in the Municipal constitutions of England and Wales." Now with respect to the practical effects produced by popular control and the influence of public opinion, the fullest proof is afforded by the evidence, that, taken by themselves, these elements of government are not sufficient to secure a good local administration. The Corporation of Plymouth is noticed by the Circuit Commissioners as "the only instance which occurred to us in the course of our inquiries of a Corporation framed and acting upon popular principles. Not only are the mayor and aldermen elected by the commonalty, but the management of all the corporate affairs has, since the year 1803, been in the hands of the freemen at large. This power has been exercised by them with much prudence and discretion, by the appointment of a committee of twenty-one of their number, by which all the business of the Corporation is conducted." (Evidence, p. 595; App. pp. 50, 51). But immediately afterwards it is stated, "The committee of twenty-one," (previously designated by the Commissioners as "an excellent board of management,") have not, nevertheless, in the management of the financial affairs of the Corporation, acted with that caution and discretion which might have been expected from them." (Evidence, p. 595, p. 51). They have involved the Corporation in great difficulties by most improvident speculations. An enormous debt has been contracted, which at present there are no means of discharging. (*see above*, p. 11.) The funds required for the erection of the gaol have been wasted in the erection of an hotel and a theatre. The next presentations to two of the churches have been sold, and, instead of employing the proceeds upon the repairs of these buildings, they have applied the money in reduction of their general debt, so as to render it "necessary to impose a church-rate, a measure of course very unpopular amongst the inhabitants." The Corporation have cut off the supply of water from the public conduits, "which afforded to the poor a cheap and easy means of procuring an article of the highest necessity," (Evidence, p. 591, App. p. 50); and this for a most inconsiderable profit. Very valuable reversions have been alienated, and the sources of future increase of revenue have thus been destroyed. Bye-laws have been passed, considered as unfairly restrictive of the rights of the working classes, and continue unrepealed, notwithstanding the discontent which they have occasioned; and the Corporation maintain what, in the opinion of the Commissioners, is an undesirable connection with the management of the poor. (Evidence, pp. 585, 586, 591, 592, 595, 596; App. pp. 49, 50, 51.) And the conduct of the body thus forcibly characterized by the Circuit Commissioners, "we have not visited any Corporation in the west of England so well managed, in all respects, as the Corporation of Plymouth, which we attribute to the efficient control exercised by the public over the elections of the members of that body, and to the publicity which is given to all their proceedings," (Evidence, p. 596); and exhibiting the full operation of the principles held out by the General Report as the very basis of Municipal reform, is marked by the principal defects assumed by that very same Report to be the consequences of secrecy and want of popular control.

(13.) Desirable as it is to complete the analysis of the evidence, and compare it with further portions of the Report, the shortness of the time allowed for the preparation of this Protest renders such an attempt impracticable. Those upon whom it will be incumbent to perform the task, may derive some assistance from the annexed Tables, though it is feared that some errors may be found in them. And it appears probable to the undersigned Commissioner, that if the "several defects found in the constitution and management of the Municipal Corporations in England" and

“ and Wales,” are traced to their proper sources, if the defaults of individuals are separated from the defects of institutions, if local and temporary feelings be estimated according to their real value, and distinguished from motives of general and permanent influence, a result will be obtained, not very dissimilar from that contained in the following summary.

IV.—(1.) Upon examination of the evidence afforded by the Reports, it appears, that taking the Municipal system as a whole, the ancient efficiency of the Corporate Institutions of England and Wales is diminished, and in some particular instances nearly destroyed. But the comparative weakness and decreased efficacy of corporations has not resulted from the default of the present members of these communities, and must rather be imputed to the inattention of the Legislature. Whilst every other portion of the policy of the realm has been gradually adapted to the progress of society, the improvement of Municipal law has been wholly neglected. And Municipal Corporations are labouring at present under the encumbrance of institutions which have ceased to harmonize with the general system of our jurisprudence, and the influence of privileges and immunities, which, however injurious they may have become, have, up to the present day, been created, protected and fostered by the law.

(2.) Yet, at the same time that the Circuit Reports clearly point out the defects of the Municipal system, it is satisfactory to observe, that on the whole, the general character of the governing bodies stands fair, though the individuals composing them have been long exposed to the great temptations of opportunity and impunity. Acts of injustice, oppression or malversation, have very rarely occurred. The improprieties of a municipal magistrate, though not imputable to the Corporation, are so far Municipal abuses, that in such a case the subject does not possess that power of appealing to the equitable authority of the Crown, which is exercised by striking out from the Commission of the Peace any Justice whose misconduct may have rendered him unfit to continue as a magistrate, but whose offence or taint of character may not come within the cognizance of a court of law. It may be considered whether the provisions of the existing laws, in relation to proceedings against magistrates, might not be so modified, at least in relation to corporate magistrates, as to enlarge the strictly legal remedy, and to render it less difficult to the suitor. Nor would it be at all unreasonable, that in cases where the aggrieved party is incapacitated by poverty or other causes from seeking redress, the appeal to a court of justice should be diligently conducted by a public prosecutor, and at the public expense. Furthermore, it would be expedient that all municipal magistrates and members of municipal councils should be amoveable by some speedy mode of procedure, in cases of felony, grave misdemeanor, bankruptcy, insolvency, or neglect of the functions entrusted to their charge.

(3.) The partial exception of the Corporate jurisdictions from the operation of the recent statutes for the amendment of trial by jury, has allowed many evils to continue in full vigour; and especially in certain of the smaller boroughs, in which, according to the local customs, the jury must consist of burgesses or freemen. In such places the difficulty of procuring an unbiassed jury, particularly in cases where local feelings are excited, may amount virtually to a denial of justice.

The branches of criminal jurisdiction possessed by corporate magistrates, beyond that of ordinary justices of the peace, are derived from an age when the right of inflicting capital punishment was considered as a regality and token of honour, when each community strove to separate itself as much as possible from the rest of the State, and when the exemption from the general jurisdiction of the realm was deemed to be a valuable privilege. For the advantage of the country, it is highly desirable that these privileges should be modified, and that the Recorders, or other presiding judges in the criminal courts of Corporations, should be individuals properly qualified by professional education and standing; but this, as well as every other suggestion relating to the borough courts, can only be considered in connexion with the question of the general establishment or organization of local courts, and other subjects not within the purview of the present Commission.

(4.) Partly from the foregoing causes, partly from those indicated in a subsequent section (7.) and partly from want of sufficient funds, the police of corporations is almost universally defective; and the same remark applies to the management of the gaols and prisons.

(5.) Many corporate bodies possess the right of levying tolls, and enjoy other privileges, sometimes disadvantageous, and often inconvenient to the rest of the community. It is evident that such rights should, when practicable, be extinguished, giving full compensation to the parties interested therein.

(6.) Instances of peculation, or the collusive disposal of corporate property, for the benefit, either direct or indirect, of members of the ruling bodies, are rare, and few cases of such misappropriation have occurred of late years. Yet the law should prevent even the suspicion of such a gross abuse. And it is highly expedient that the management and disposal of corporate property should be regulated so as to prevent its application to any purposes except what are strictly municipal, and for the benefit of the town; and that in every case the accounts should be rendered to the main body of the freemen, or others to be included in the municipal community, and for whom the ruling body, however elected, nominated, constituted, or appointed, ought to be considered as trustees. In the whole of their financial concerns, the City of London offers the best example to other corporations, and very particularly so in the self-denying ordinance, by which the members of the common-council are prevented from deriving any profit from the corporate concerns.

(7.) Important defects, however, remain to be considered, of which perhaps the most influential is, the absence in the ruling bodies of the requisite authority for an effective municipal administration. The Crown, by its ancient prerogative, and it possesses no other, is incompetent to impart by charter, the jurisdictions, rights and powers which, by the general course of the law and policy of the realm, and the habits and usages of modern society, are requisite for the good government and management of a modern town. The Crown can confer, if it pleases, upon the most inconsiderable Corporation, the unlimited power of criminal jurisdiction, but it cannot enable the magistrates of the largest commercial city to hold a court of requests for the recovery of small debts by summary process. The Crown can grant *pavage* to a Corporation, but it cannot grant them the summary power of removing a projection over the footpath. The Crown can grant *pontage* to

to a Corporation, but it cannot grant them the power of enforcing the sale of the smallest portion of ground which may be necessary for erecting the abutments of a bridge. The Crown can grant the conservancy of the peace to a Corporation, but it cannot grant the compendious powers of levying rates and penalties, and effecting the arrangements by which a town police can alone be maintained and regulated. In these and all similar cases, the plain and proper course would have been, to have conferred upon the Crown, once for all, but under all proper restrictions for preventing any abuse of the prerogative, the authority of dispensing to the corporate authorities the power of exercising the functions which they need. But instead of thus providing a source of corporate renovation, the practice has been adopted of applying to Parliament for local Acts, creating various Boards, Trusts, and other similar bodies, independent of the Corporations, and often in direct conflict with them, and thereby depriving the Municipal Magistrates of the power and influence which a ruling body ought to possess, and which are now vested in other hands.

(8.) Another great defect is, the want of sufficient connection between the corporate institutions and the inhabitancy of the town. At present the freemen of the Corporation form only a small, and generally the smallest, portion of the population; whilst it cannot be doubted but that all individuals dwelling or pursuing their trades or avocations in the town, or holding property therein, should (under such restrictions only as may render the burgess-ship a sufficient test of stability and trust-worthiness) be aggregated to the Municipal community.

9. In many corporate towns dissensions exist between the ruling bodies and peculiar sects, sections, classes or portions of the inhabitants. Very frequently these animosities have plainly arisen from the habitual hostility of party, and from other similar adverse sentiments, rather instigated by passion than grounded upon any sufficient reason—sentiments requiring to be conciliated, calmed and allayed by the Legislature, but which it never ought to obey. Amongst other causes, it is probable, that in the smaller towns, the circumstance of individuals being raised by their official station above persons of their own rank in society, and other feelings purely local and personal, may have tended to increase these animosities. Some towns perhaps scarcely contain within them the materials for a Municipal establishment. In these cases it may be expedient to adopt measures for the partial or total extinction of the Municipal franchises of such Corporations; legal proof being nevertheless given of the fact, and sufficient opportunity being afforded to all parties interested to show cause (if they shall so think fit) against such disfranchisement.

(10.) In the larger and more important towns, it is probable, that the efficacy of Municipal Institutions will be increased, by rendering the Municipal magistracy and councils elective by the freemen, upon the assumption that not only the inhabitants but also the owners of property are to be aggregated to the municipal community. The magistrates or members of the upper bench to hold their offices for life, subject to amoval for the causes before indicated (see Section 2, p. 16). The councils to hold their office for a stated term. It appears, however, that great mischiefs arise from the circumstance of Municipal Elections being rendered trials of strength for contending parties on Parliamentary Elections; and, without presuming to point out any measures by which this great evil is to be counteracted, it becomes necessary to call the attention of the Legislature to its existence. That all

the members of the Municipal Magistracy and Councils should possess a qualification arising from property, is a proposition which will be recommended, amongst other reasons, by adverting to the fact, that in the great majority of Local Acts erecting Boards of Trustees or Commissioners, for purposes which, in fact, are Municipal, some qualification founded upon property is required: thus affording evidence that, by experience, it is found advantageous to connect the performance of duties with possession of property. But whatever plans may be adopted for altering the constitution of Municipal Corporations, the diversity of the local and particular circumstances of the towns, as well as the necessity of obtaining the deliberate opinions of the inhabitants, will probably render it expedient, that the change should be effected, not by a general enactment, but by a special adaptation of general principles to each Corporation which may require the same; such adaptation to be effected through some competent tribunal.

3 April 1835.

FRANCIS PALGRAVE.

TABLES OF CULPABILITIES, DEFAULTS AND ABUSES	- p. 22
APPENDIX	- - - - - p. 33

A TABLE of CULPABILITIES, DEFAULTS and ABUSES reported by the Circuit Commissioners (as far as page 1694 of the Printed Evidence, being all the Evidence delivered previously to the Signature of the Report), as arising from the undue, illegal, or abusive Exercise of the Powers which Corporations possess, or from the neglect of such Powers, excepting in relation to Appointments of Recorders and Deputy-Recorders †, Gaols, keeping of Accounts, and Police ‡, together with the Charges brought against individual Members of Corporations or Corporate Officers;—also showing the Opinions expressed in relation to such Corporations.

NAME of BOROUGH.	CHARGES PROVED, (more or less) or Allowed by the opinions of the Commissioners.	CHARGES Not Proved, or Disallowed.	OPINIONS Expressed by Inhabitants † or Commissioners.	POLITICAL CHARGES Stated by the Commissioners.
MIDLAND CIRCUIT:				
Abingdon - (3)	None - - - - -	None - - - - -	No statement - - -	No statement.
*Banbury - (9)	-- Office of Recorder held by deputy.—p. 10.	-- Alleged misconduct of a magistrate in altering a jury panel (a)—disproved.—p. 12.	-- Inveterate suspicion and distrust, which leads even intelligent and well-instructed persons to believe improbable suggestions and accusations upon little or no evidence, &c. (b)—p. 14, 15.	-- Subserviency of the corporation to its parliamentary patron, &c. Statement, that the selection of efficient magistrates had been considered as a subordinate duty, &c. Dismissal of a Recorder on account of his political opinions (b).—p. 14, 15.
Berkeley - (19)	None - - - - -	None - - - - -	No statement - - -	No statement.
Brackley - (25)	None - - - - -	None - - - - -	No statement - - -	-- Corporation kept up for parliamentary purposes.—p. 24.
Buckingham, (27)	None - - - - -	None - - - - -	No statement - - -	-- Corporation merely an instrument for enabling the patron to return members.—p. 29.
*Chipping Norton, (33)	-- Trust property misapplied or lost.—p. 35.	None - - - - -	-- Objection universally prevails to system of self-election.—p. 34.	No statement.
Chipping Sodbury, (37)	None - - - - -	None - - - - -	No statement - - -	No statement.
Chipping Wycomb, (41)	None - - - - -	None - - - - -	No statement - - -	No statement.
Droitwich - (47)	None - - - - -	None - - - - -	No statement - - -	No statement.
Dursley - (49)	None - - - - -	None - - - - -	No statement - - -	No statement.
Evesham - (53)	Recorder a peer - - -	-- A case having rather a suspicious appearance than an actual inculpation, that the administration of justice was conducted with a view to party purposes (a)—no decision.—p. 55.	-- Complaints of the narrow spirit of the corporation.—p. 54.	-- Exclusion of dissenters holding opinions at variance with the corporation, being proper persons to hold office—apparently disproved. Obstacles, previous to 1818, thrown in the way of persons entitled to be admitted (a).—p. 54. Impression amongst many inhabitants, that justice is unfairly administered, in support of which impression the case in the preceding columns is pointed out (a).—p. 55.
Gloucester, (59)	Recorder a peer - - -	-- Inefficiency of police ascribed to the corporation; exercise of corporate influence in parliamentary elections; collusive grants of leases to members of the corporation (a) (b).—all disproved.—p. 62, 66.	-- Jealousies and animosities occasioned by the system of self-election (a).—p. 62.	-- Influence exercised by the governing body in parliamentary elections—disproved.—p. 62.
Henley-upon-Thames - (71)	None - - - - -	None - - - - -	-- The corporation appears to be popular among the inhabitants, but the Commissioners doubt whether it should be continued.—p. 74.	No statement.
Malmesbury, (77)	-- Magistrates illiterate, being chiefly labourers without education, and the least instructed class of petty tradesmen (a).—p. 77, 79. Tumultuousness of the assembly held for deciding on the privileges of the burgesses with respect to the common lands. State of municipal institutions said to deter respectable persons from resorting to the town.—p. 80.	None - - - - -	No statement - - -	No statement.
Marlborough, (83)	-- Subserviency of corporation to political purposes, injurious to the well-being of the community (a).—p. 84, 85. Family connection, &c. between magistrates and town clerk.—p. 85.	-- Misconduct imputed to borough magistrates, in their decisions (a).—disproved.—p. 85.	-- Two bitter conflicting parties in the town. Decisions of magistrates, though correct, considered as unjust, &c. (a).—p. 85.	-- Legitimate objects of municipal institutions subservient to parliamentary interest.—p. 84.
Newbury - (89)	-- Great confusion in charity and corporation accounts, and three Chancery suits pending concerning charities.—p. 92.	None - - - - -	-- Persons of independent station become members of the corporation.—p. 89.	-- Commissioners express doubts as to the expediency of a corporation, &c.—p. 93.

† Those towns in which, according to the opinion of the individuals who came before the Circuit Commissioners, the corporations appear to be generally unpopular, (using the phrase as in common conversation), are distinguished by asterisks. (See Protest, p. 5.)

‡ Excepting in special cases.

NAME of BOROUGH.	CHARGES PROVED, (more or less) or Allowed by the opinions of the Commissioners.	CHARGES Not Proved, or Disallowed.	OPINIONS Expressed by Inhabitants or Commissioners.	POLITICAL CHARGES Stated by the Commissioners.
MIDLAND CIRCUIT—continued.				
Oxford - (97)	- - Oppressive proceedings for compelling persons to take up their freedom (a).—p. 107.	None - - - - -	No statement - - -	- - Bribery at municipal elections (b).—p. 99.
* Reading (111)	- - - - -	- - Alleged partiality of judges in the Borough Court, also arising from incompatibility of offices. Partial licensing of public-houses, for the purpose of favouring brewers in the corporation. Partiality of corporation in granting leases to their own body (b)—all disproved.—p. 114. 116.	- - Corporate acts regarded with distrust, and the subject of misrepresentation and jealousy, which their official acts are by no means sufficient to account for (b) (c).—p. 116.	No statement.
Stratford-upon-Avon - (119)	None - - - - -	- - Alleged injustice of the corporation with respect to the stipends of the Vicar and chaplain, previously inquired into by the Charity Commissioners (a)—disproved.—p. 121.	No statement - - -	- - Town improved by corporation (b).—p. 122.
Tewkesbury, (127)	- - Severe infliction of scholastic discipline by the master of the grammar-school (a).—p. 127.	None - - - - -	No statement - - -	No statement.
Thornbury, (130)	None - - - - -	None - - - - -	No statement - - -	No statement.
Wallingford, (133)	None - - - - -	None - - - - -	No statement - - -	No statement.
Wyckwar - (138)	None - - - - -	None - - - - -	No statement - - -	No statement.
New Woodstock, (141)	- - Office of recorder kept vacant.—p. 141.	None - - - - -	No statement - - -	- - Corporation apparently divided between two parties.—p. 141.
Wotton Bassett, (147)	- - Borough magistrates incompetent to discharge their functions.—p. 148.	None - - - - -	No statement - - -	- - Vicious and dissolute population, produced by the abuse of its former parliamentary privileges.—p. 148.
Wotton-under-Edge - (150)	None - - - - -	None - - - - -	No statement - - -	No statement.
Worcester, (153)	- - Expenditure on dinners and wine to the amount of 265 l. per annum.—p. 159.	None - - - - -	No statement - - -	- - No dissenters have been admitted; but few elections have taken place since the repeal of the Test Act.—p. 153.
WESTERN CIRCUIT:				
Aberavon - (165)	- - Officers almost entirely ignorant of English; recorder a carpenter.—p. 46.	None - - - - -	No statement - - -	No statement.
Aberystwith, (171)	Irregularity of accounts.—p. 174 Demise of property to an individual who had often held the office of Mayor, and had much influence in the corporation— <i>opinion, transaction not altogether free from suspicion</i> (a).—p. 173.	None - - - - -	- - Dissatisfaction on the ground of non-publication of accounts.—p. 174.	- - Corporation controlled by a few individuals; political opponents excluded.—p. 172.
Brecon - (177)	None - - - - -	None - - - - -	No statement - - -	- - Corporation, a political association in the interest of the late patron of the borough.—p. 179.
* Cardiff - (187)	- - Duties of water-bailiff not efficiently performed.—p. 189. Defective qualifications of the judges of the Civil Court, and improper selection of juries.—p. 191.	None - - - - -	- - Proceedings viewed with general dissatisfaction and distrust, on account of corporate politics.—p. 190.	- - Corporate body has the character of being a political party.—p. 190.
Cardigan - (197)	- - Deputy-constables negligent of their duties.—p. 199.	None - - - - -	No statement - - -	Corporation useless.—p. 200.
Carmarthen, (203)	- - Juries composed of political partisans (a).—p. 213. Police deficient, in the opinion of the "intelligent chief constable," in consequence of political suspicions, and for want of sufficient pay (a).—p. 214. Various abuses in the Fortnight Court (b).—p. 212. Wasteful alienation of property (c).—p. 216. Admission of burgesses upon fictitious qualifications.—p. 208.	None - - - - -	- - Householders in the borough two to one against the corporation; burgesses one and a half in its favour.—p. 210.	- - Government of the borough mainly carried on for political purposes. Fact admitted by both parties. In politics, resident burgesses equally divided.—p. 208, 209.
Cowbridge, (221)	None - - - - -	None - - - - -	No statement - - -	No statement.
Crickhowell, (226)	None - - - - -	None - - - - -	No statement - - -	No statement.
Fishguard, (229)	None - - - - -	None - - - - -	No statement - - -	No statement.
Haverfordwest, (233)	- - Party prejudices of juries, which are composed only of the burgesses (a).—p. 239. Careless management of corporation and charity property, but without fraud (b).—p. 245. Incompetence of the judges in the Intrinsical Court.—p. 239.	None - - - - -	No statement - - -	- - Management of corporation exclusively confined to the prevailing political party.—p. 237.

(continued)

PROTEST AGAINST REPORT FROM COMMISSIONERS ON

NAME of BOROUGH.	CHARGES PROVED, (more or less) or Allowed by the opinions of the Commissioners.	CHARGES Not Proved, or Disallowed.	OPINIONS Expressed by Inhabitants or Commissioners.	POLITICAL CHARGES Stated by the Commissioners.
WESTERN CIRCUIT—continued.				
Hay - (250)	None - - - - -	None - - - - -	No statement - - -	No statement.
Hereford - (253)	None - - - - -	- - Belief of unfairness in the admission of freemen, the corporation being influenced by political feelings (a)—not proved.—p. 258.	No statement - - -	- - Unfair deviation from the ordinary rotation in the election of officers, arising from party feelings.—p. 258. Votes of hospital men given in accordance with common council.—p. 264.
Kenfig - (269)	- - Officers imperfectly acquainted with the English language, &c.—p. 269.	None - - - - -	No statement - - -	No statement.
Kidwelly - (273)	- - Town clerk not learned in the law, there being no attorney in the borough.—p. 274.	None - - - - -	No statement - - -	No statement.
Kilgerran - (279)	- - Magistrates ignorant of the English language, &c.—p. 279.	None - - - - -	No statement - - -	- - Borough exists for the benefit of a few individuals.—p. 280.
Lampeter - (283)	None - - - - -	None - - - - -	No statement - - -	No statement.
Laugharne, (287)	None - - - - -	None - - - - -	No statement - - -	No statement.
Leominster, (293)	Recorder an attorney.—p. 294. Magistrates neglect attendance in the Borough Court.—p. 296.	- - Incurable suspicion of unfairness in Borough Court.—p. 296; but no evidence supporting the suspicions.	No statement - - -	No statement.
Llandovery, (301)	None - - - - -	None - - - - -	No statement - - -	No statement.
Llanelly - (307)	None - - - - -	None - - - - -	No statement - - -	No statement.
Llantrissant, (313)	None - - - - -	None - - - - -	No statement - - -	No statement.
Loughor - (317)	None - - - - -	None - - - - -	No statement - - -	No statement.
Monmouth, (321)	- - Amount of paving rate, and political selection of the commissioners (a).—p. 327.	None - - - - -	- - Dissatisfaction on account of the paving rate.—p. 327.	- - Whole affairs of the corporation under the management of a party.—p. 325.
* Neath - (333)	- - Tolls irregularly collected.—p. 337.	None - - - - -	- - Much dissatisfaction on account of the tolls, and also for the reasons stated in the next column.—p. 335. 337.	- - Borough existing for no practical purpose, except political interest.—p. 335. 338.
Newport, Monmouthshire, (341)	- - Non-residence of magistrates. Recorder not a lawyer.—p. 345.	None - - - - -	No statement - - -	No statement.
Newport, Pembrokeshire, (353)	None - - - - -	None - - - - -	No statement - - -	No statement.
NewRadnor, (357)	- - Offices filled by incompetent persons, or suspected of having a political bias, but which does not prevent the court held by them from being greatly resorted to.—p. 358, 359.	None - - - - -	No statement, except as appears from the second column.	- - Corporation kept up for political purposes.—p. 358. 361.
Pembroke, (365)	None - - - - -	None - - - - -	No statement - - -	- - Corporate influence applied in advancing political interests.—p. 367.
St. Clears, (377)	- - Magistrates imperfectly acquainted with the English language, &c.—p. 377.	None - - - - -	No statement - - -	No statement.
Swansea - (383)	- - Union of incompatible offices in the person of the recorder.—p. 393.	- - Irregularities in collection of tolls; corporation not implicated.—p. 389.	- - Dissatisfaction on account of the tolls.—p. 389.	- - Municipal elections managed with a view to political interest; expenses of out-voters heretofore paid out of corporate funds.—p. 392.
* Tenby - (401)	- - Want of discretion and attention in the improvements of the town. Income improperly disbursed (a).—p. 411.	- - Alleged misapplication of corporate property, now the subject of a Chancery suit.—p. 409.	- - Opposition to corporation proceedings from persons of every class.—p. 408.	- - Exclusion of political opponents, so as to produce a monopoly of power.—p. 406. 408.
Usk - - (415)	None - - - - -	None - - - - -	No statement - - -	No statement.
SOUTH WESTERN CIRCUIT:				
Barnstaple, (429)	- - Neglect of a bye-law regulating the letting of lands.—p. 431. Expenditure of corporate funds in opposing the Disfranchisement Bill thrown out by the House of Lords (a).—p. 433.	- - Opinion that, in a few cases, at some period more than 20 years since, leases had been granted to members of the corporation, upon inadequate terms.—Commissioners could form no opinion upon the value (b).—p. 433.	- - Dissatisfaction and distrust in the minds of the inhabitants; hostile feeling between the freemen and other inhabitants. Administration of public affairs, though open to objection on some points, conducted, on the whole, in a manner useful to the community (a).—p. 433.	- - Corporation divided in opinions.—p. 433.
Bideford - (437)	None - - - - -	None - - - - -	- - Corporation and inhabitants on good terms.—p. 440.	- - Not returning members to Parliament, party spirit does not run so high as in other south-western boroughs.—p. 440.

NAME of BOROUGH.	CHARGES PROVED, (more or less) or Allowed by the opinions of the Commissioners.	CHARGES Not Proved, or Disallowed.	OPINIONS Expressed by Inhabitants or Commissioners.	POLITICAL CHARGES Stated by the Commissioners.
SOUTH-WESTERN CIRCUIT—continued.				
Bodmin - (443)	-- Recorder a peer. Want of sufficient number of magistrates.—p. 443. 445.	-- Inclosure of common land.—p. 447.	-- Inhabitants aggrieved by inclosure of common lands, &c., but the corporation have expended large sums in a beneficial manner for the use of the town (a).—p. 450.	-- Patronage. Borough kept up for the purpose of serving the purpose of the patron, though the members were not unanimous.—p. 445, 446. 450.
Bossiney - (453)	Corporation useless.—p. 454	None - - - - -	None - - - - -	-- Kept up for political purposes.—p. 453.
Bradninch, (457)	-- Pathway stopped up by order of two borough magistrates, in consequence of which the public are compelled to go from a quarter to half a mile round about (a).—p. 460. Expense of dinners.—p. 460.	-- Refusal of the renewal of the licence of a public-house—house not in proper repair (a).—p. 460.	No statement - - - - -	No statement.
Bridgewater, (463)	-- Political interference in the appointment of Overseers of the Poor, magistrates having rejected two Reformers, and selected two Tories, &c. (a).—p. 465. Negligent management of corporation property (b).—p. 466. Town clerk has practised in the Civil Court in the name of his partner (c).—p. 464.	None - - - - -	-- Much complaint, but the corporation have fairly performed their duty, and the substantial ground is the mode of election and the secrecy of their proceedings (b).—p. 465.	-- Family influence; do not represent political opinions, &c. of inhabitants.—p. 463. 465.
Camelford, (471)	-- Bad management of property.—p. 474.	None - - - - -	No statement - - - - -	-- Borough under patronage.—p. 474.
*Dartmouth, (475)	-- Mismanagement and obscurity of accounts.—p. 482.	-- Suspicions as to the administration of justice. Misconduct of a presiding magistrate— <i>The individual was insane</i> (a).—p. 483. Allegations that the corporation induced the officers of the Duchy to oppose a Buoy Bill (a).—p. 483.— <i>No opinion</i> .	-- Distrust and dislike prevailing among the inhabitants, so as to induce them to refuse to enter the corporation, which the ruling body now wish to throw open.—p. 478. 483.	-- Borough under political patronage.—p. 480.
*Exeter - (487)	-- Misappropriation of charities, which have been the subjects of Chancery suits, instituted in consequence of the investigations of the Charity Commissioners, and in which decrees have been made against the corporation (a).—p. 492. Improvident expenditure on the canal, which has turned out a bad speculation (a).—p. 495. 498. Neglect of Topsham quay.—p. 496.	None - - - - -	-- Corporation have not gained the confidence of the inhabitants, though there has been no partiality or unfairness, &c. (b).—p. 498.	No statement.
Falmouth - (501)	Recorder not a lawyer.—p. 501.	None - - - - -	-- No statement, except as in next column.	Corporation close.—p. 504.
Grampound, (507)	-- Books of corporation lost or abstracted, not having been seen since the time when the mayor left the town, on the disfranchisement of the borough.—p. 507. Property alienated.	None - - - - -	No statement - - - - -	-- Corporation formerly existed only for parliamentary purposes.—p. 508.
Helston - (511)	None - - - - -	None - - - - -	-- Dissatisfaction on account of family influence.—p. 514.	-- Family influence. Corporation more than ordinarily exclusive.—p. 511. 514.
*Launceston, (517)	-- Office of recorder held by the patron of the borough, a peer.—p. 518. Grammar school dilapidated.—p. 519.	-- Evidence given to prove (<i>none stated except as after mentioned</i>) that the inhabitants had not implicit confidence in the impartial administration of justice. One case detailed: an individual said to be guilty of forgery, kept two days at the Turk's Head public-house, and then discharged by directions of the bank clerk, &c. (a).— <i>No opinion given</i> .—p. 521.	-- It appeared to the Commissioner that the inhabitants were dissatisfied with the present municipal government, although the patron, through the corporation, had expended much money in improving the town and repairing the streets, &c. (b).—p. 521.	-- Corporation under the influence of a patron.
*Liskeard - (525)	-- Office of recorder vacant, recently held by a peer.—p. 526. Streets and roads not sufficiently repaired.—p. 529. "Trifling loss incurred" by an alleged disadvantageous sale of property (a).—p. 528.	None - - - - -	-- Corporation have not obtained the respect and confidence of the community (b).—p. 530.	-- Corporation devoted to a patron, &c.—p. 529, 530.
East Looe, (533)	-- Recorder an officer in the Guards; deputy a non-professional gentleman.—p. 534.	-- Allegations (<i>without evidence</i>) of lettings to corporators at inadequate values (a).—p. 535.	No statement - - - - -	-- Corporation kept close for election purposes.—p. 536.
West Looe, (539)	-- No accounts heretofore kept by the corporation, a defect now remedied.—p. 541.	None - - - - -	No statement - - - - -	-- Corporation heretofore under a patron.—p. 541.

(continued)

NAME of BOROUGH.	CHARGES PROVED, (more or less) or Allowed by the opinion of the Commissioners.	CHARGES Not Proved, or Disallowed.	OPINIONS Expressed by Inhabitants or Commissioners.	POLITICAL CHARGES Stated by the Commissioners.
SOUTH WESTERN CIRCUIT—continued.				
Lostwithiel, (545)	Recorder a peer.—p. 545 - Accounts not properly rendered by the mayor.—p. 545.	None - - - - -	No statement - - -	- - Formerly under a patron. Surrender of charter recommended.—p. 548.
Marazion - (551)	None - - - - -	None - - - - -	No statement - - -	No statement.
*Oakhampton(557)	- - Mismanagement of an almshouse.—p. 558. No measures taken by the corporation to preserve the rights of the inhabitants upon a common which the patron had ploughed up (a).—p. 559.	None - - - - -	- - Constitution of corporation and management of property, subject of complaint among the inhabitants.—p. 559.	- - Preservation of parliamentary influence, main object of the corporation.—p. 559.
Penryn - (563)	- - Recorder a peer, deputy recorder a clergyman.—p. 563.	- Parkhelland property, (<i>the rents whereof have been received by the corporation for corporate purposes from the year 1669 without interruption,</i>) alleged to be withheld from the inhabitants (a) (b).—p. 565. 567. - - Complaints with regard to the present state of the pier: opinion that the corporation ought to light the town at their own expense, &c. (a).—p. 575.	- - Dissatisfaction in the public mind, arising from secrecy and the withholding the Parkhelland property (b).—p. 567	No statement.
* Penzance (571)	Recorder a peer.—p. 572 -	None - - - - -	- - Corporation and inhabitants at large not upon good terms.—p. 575.	- - Family influence inferred.—p. 572.
Plymouth, (579)	- - Bye-laws made since 1803, which have reduced the number of freemen belonging to the working class, and given additional influence to the wealthier part of the community (a).—p. 586. Closing of the public conduits to the injury of the poor (b).—p. 591. Unfortunate expenditure of money in erecting the Theatre and Royal Hotel, which has prevented the erection of the gaol, and compelled them to sell reversionary property to the amount of 10,000 l., also the next presentations to two of their churches, and which churches being out of repair, necessitated the imposition of a church rate upon the inhabitants (c) (d).—p. 458. 586. 595.	None - - - - -	- - Constitution and character of Plymouth affording an instance of a corporation acting upon popular principles, and under control of public opinion. Management of corporate affairs entirely in the hands of the freemen; power exercised with much prudence; and yet with not so much caution and discretion as might have been expected. Board of management excellent. No corporation so well managed. Debts contracted to a very large amount: viz. 39,900 l. on mortgages; annuities and tontines 2,124 l. 10 s. 6 d. per annum, besides a floating debt on bonds. Reversionary property to the amount of 10,000 l. sold. Unfortunate in their speculations, &c. Popular election of members prevents the admission of persons opposed to public interest, and inspires a feeling of good-will towards municipal authorities. Harmony disturbed by the question with regard to the closing of the conduits. Sales of the presentations, &c. disapproved of. Strong feeling prevailing on the part of the inhabitants, with regard to the impropriety of the corporation acting as guardians of the poor, &c. (a) (b) (c) (d).—p. 595, 596.	- - Frequent contests for officers.—p. 580.
Plympton, Earle, (599)	Recorder a peer.—p. 600 -	None - - - - -	- - Not the general desire of the people that the charter should be surrendered.—p. 602.	- - Corporation heretofore under a patron.—p. 602.
Saltash - (605)	- - Recorder and deputy-recorder non-professionals, the latter a farmer. Several instances of misconduct of magistrates brought before the Commissioners, (<i>but not quoted by them, and therefore probably not proved</i>) and one quoted by them (<i>not easily understood, but apparently an estreat made without proper notice</i>); defective management of accounts, and great neglect. Revenue supposed to have been squandered or misapplied (a).—p. 606, 607, 608. 610.	None - - - - -	No statement - - -	- - Municipal system applied to the perpetuation of political principles.—p. 610.
* South Molton, (613)	None - - - - -	- - Complaints of partiality in granting licences, and expenditure on dinners. Inhabitants conceive they have a right to be consulted as to the disposition of Cope's property (a).—p. 616.	- - Practice of electing only professional persons into the corporation and excluding the great body of the natives very unsatisfactory to the people.—p. 616.	No statement.
* St. Ives, Cornwall, (619)	- - Unfair assessment of church and poor rate, the aldermen constituting the select vestry (a).—p. 620.	- - Alteration, since 1830, in the mode of striking the grand jury, in a way which is not satisfactory to the public.— <i>No opinion.</i> —p. 620.	- - Corporation unsatisfactory to the public (c).—p. 622.	- - Family influence, &c. in the corporation (c).—p. 622.
* Tiverton (625)	- - Number of professionals in the corporation, five solicitors, formerly as many clergymen (a). Disregard of recommendation of the Charity Commissioners. An agreement with a party appointed to the office of receiver-general of taxes, that he should reside in the town, and make an allowance to the corporation (b). Receipt up to 1823 of a toll of 2 d. per bushel upon malt, which, from that period, the publicans, acting under the advice of a spirited inhabitant, refused to pay (b).—p. 626. 628, 629.	None - - - - -	- - Management of public affairs by the corporation, has neither deserved, nor obtained from them, the confidence of the inhabitants (a).—p. 630.	- - In no place have the pernicious effects arising from the connexion between a corporation having the right to return members to Parliament, and an influential nobleman as patron of the borough, been more clearly displayed (a).—p. 630.

NAME of BOROUGH.	CHARGES PROVED (more or less) or Allowed by the opinions of the Commissioners.	CHARGES Not Proved, or Disallowed.	OPINIONS Expressed by Inhabitants or Commissioners.	POLITICAL CHARGES Stated by the Commissioners.
SOUTH-WESTERN CIRCUIT—continued.				
Torrington, (633)	- - Recorder a peer, deputy a clergyman. Incompetency of magistrates, from their situation in life; magistrates being afraid to act lest they should give offence to the public. Application of corporate funds to the repairs of the church and church steeple. Improvident management of property, leases made to members of the corporation, though taken by the latter at a full value, and upon a letting by public auction.— <i>Statement difficult to be understood.</i> General expenditure not well regulated. Houses allowed to remain in a state of dilapidation. Disregard of the recommendation of the Charity Commissioners (a).—p. 636, 637.	None - - - - -	No statement - - - - -	No statement.
Totness - (641)	- - Recorder non-professional, and very aged. Charities heretofore misapplied; some remedied, in conformity to the recommendations of the Charity Commissioners, and a decree of Chancery in 1823 against the corporation. Debts of the corporation very considerable.—p. 643, 644.	None - - - - -	No statement - - - - -	- - Family influence, and formerly under political patronage.—p. 641, 643.
Tregony - (649)	Recorder non-resident - - -	None - - - - -	- - Corporation and inhabitants appear to be on good terms.— <i>Opinion: It may be questioned how far it is desirable that so small a town should retain a municipal constitution.</i> —p. 651, 652.	- - Political history of the borough, and succession of its patrons, is well known.—p. 650.
* Truro - (655)	Recorder a peer.—p. 656 Corporation revenues ill managed, until the appointment of the present receiver, about the year 1827.—p. 658, 659. Charitable funds misapplied (a).—p. 661.	None - - - - -	- - No town visited in which so much difference of opinion exists between the inhabitants and corporation, as in Truro. Many persons of respectability openly expressed the utmost dissatisfaction with the corporation.—p. 662.	- - Family influence inferred.—p. 656. Borough under political patronage. Commissioners fully concur in the opinions of the inhabitants.—p. 657, 662.
SOUTH-EASTERN CIRCUIT:				
Arundel - (667)	Packing of the leet jury. [?].—p. 669.	- - A supposed right of common withheld from the inhabitants.— <i>Evidence did not go far enough to support the claim against the corporation (a).</i> —p. 673.	- - A strong feeling of dissatisfaction amongst the inhabitants, as to the mode of selecting the leet jury, by which the mayor is appointed.—p. 669. Discussion in the town respecting the share which the corporation ought to take in paying the church rate upon their corporate property, and much angry feeling on that subject (a).—p. 672.	- - Strong family connexion in corporation, and conflicting opinions as to the exclusion of dissenters.—p. 670.
Brading - (679)	None - - - - -	None - - - - -	No statement - - - - -	No statement.
Canterbury, (685)	- - Jobbing in the corporation; employment by the justices of members of the corporation in building the gaol, and the general business of the city, a practice discontinued since 1831 (a).—p. 703, 704, 694. Objectionable mode of appointing ward constables in the court leet.—p. 692. Influence of brewers in the corporation; and other abuses connected with licensing public houses (b).—p. 706.	None - - - - -	- - Discontent in respect of the county rate; the principal objection being, that the corporation were bound to erect and maintain the gaol out of their own funds. Complaints arising from the system of giving the preference to tradesmen on the corporation (a) (b).—p. 703, 704.	- - Bribery in municipal elections (c).—p. 689. Religious tenets no ground of objection.—p. 690.
Chichester, (715)	- - None, except as appears from column 4.	- - None, except as appears from column 4 (a).—p. 725.	- - Dissatisfaction arising from a public-house licence granted in the year 1813.— <i>No blame imputed by the Commissioners (a).</i> —p. 725. Dissatisfaction concerning the operation of the court of record.—p. 723.	- - Interest of a particular family maintained in the corporation. Religion not considered.—p. 718.
Codalming, (735)	None - - - - -	None - - - - -	None - - - - -	- - No dissenters in corporation, but their absence arises from the non-association of gentlemen of this class with the other inhabitants.—p. 737.

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SOUTH EASTERN CIRCUIT—continued.				
*Lymington, (743)	Recorder an admiral, p. 744 -	None - - - - -	-- No want of confidence towards the corporation individually, but disappointment felt by many inhabitants at so few of their body being elected.—p. 745.	-- Family interests. Corporation kept very close, and non-resident burgesses admitted.—p. 744, 745.
*Maidstone, (751)	-- Selection of the leet jury by the constable objectionable, though no complaints of favouritism (a).—p. 764.	-- Suspicion of unfair appointment of constables (b).— <i>Not proved</i> .—p. 758.	-- General distrust and dissatisfaction, partly sustained by the suspicions in the preceding column.—p. 758-760.	-- Exclusion of political opponents; unfair appointment of constables; unfair preference of political partisans; bad working of the constitution (a).—p. 756-60. Bribery as well on the part of those who wish to obtain office, as of those who wish to keep out of office (b).—p. 755-57.
*Newport - (773)	-- Numerous situations of emolument held by the town-clerk of Newport, and in other parts of the Isle of Wight; <i>although not the slightest ground for any imputation, or even suspicion (a)</i> .—p. 776. Recorder a peer and LL.D.—p. 776.	-- Complaints as to the selection of the grand jury. That the Court of Record was not resorted to, on account of the monopoly of the town-clerk. <i>No foundation for suggestions (b)</i> .—p. 781, 783.	-- No unpleasant state of feelings was produced by family influence till within the last few years: latterly the discontent created by a sense of political exclusion has attached itself to every circumstance connected with the corporation (c).—p. 778	-- Originally intended that the government of the corporation should be confined to very few persons;—now for many years been under the direction of a single family. But no instance of municipal malversation or negligence appears to have been permitted (c).—p. 778.
Newton - (793)	- - - - -	- - - - -	- - - - -	-- Nearly defunct. Kept up wholly for parliamentary purposes.
*Portsmouth, (801)	Expense of feasts, dinners and treats.—p. 818. Union of offices of coroner and town-clerk; <i>apparently considered by the Commissioners as not decidedly improper (a)</i> .—p. 810.	-- Suspicions of unfairness in the licensing of public-houses (b).— <i>Totally unfounded</i> .—p. 815.	-- Dissatisfaction amongst the inhabitants generally on account of the closeness of the corporation, but no want of confidence in the magistrates, nor any complaints of the manner in which they had performed their duties.—p. 808.	-- Exclusion of persons opposed to the corporation: been exercised with the undisguised purpose of confining the whole municipal and political power to a particular party, and almost to a particular family.—p. 807.
*Queenborough, (823)	Alleged mismanagement of the oyster grounds and fisheries.—p. 825-831, &c.	- - - - -	-- Great disputes and animosities and other causes of dissension, all more or less connected with the oyster fisheries; but with some admixture of political charges.—p. 825, 831, &c.	- - - - -
Rochester - (843)	-- Jobbing in the corporation, by employing its own members (a).—p. 851, 863. Unfair appointment of leet and other juries (c)— <i>Not fully proved</i> .—p. 856.	-- Alleged unfairness in the admission of freemen (b).— <i>Not proved</i> .—p. 850.	-- No general expression of feeling, though "much exasperation and rancour on both sides, and complaints principally from adherents of party opposed to corporate party (a)—p. 851.	-- Unfair exclusions of individuals from office.—p. 845. Political partiality in the appointment of coal meters (d).— <i>Not fully proved</i> .—p. 847.
Southampton, (871)	None - - - - -	-- Suspicions of favouritism and partiality in the unequal distribution of public-houses, and other suspicions of a wish to favour a corporator presented by a leet jury for using deficient weights and measures— <i>dismissed or disproved</i> —(a) (b) (c).—p. 878, 883, 887. Suspicions of unfairness in licensing public-houses anterior to 1815 (a).— <i>Not distinctly made out</i> .—p. 887.	-- A want of confidence, arising from suspicions relating to public-houses and court leets, noticed in Columns 2 & 3.—(a) (b) (c)—p. 878, 883, 887.	None.
*Winchester, (895)	-- Compromise relating to the office of town-clerk (a).—p. 897. Improper management of charities, which having been the subject of litigation in the Court of Chancery since 1811, are now vested in new trustees pursuant to decrees of the Court and a private Act of Parliament.—p. 907. Debt increased by the building of the gaol.—p. 905. Questionable wisdom of the appointment of a committee.—p. 900.	-- Enfranchisement of corporate property— <i>No opinion</i> .—p. 900.	-- Doubtful whether any liberal administration of the corporate functions can secure permanently the confidence of the inhabitants, however successful such conduct may be for the time. The public are not admitted to any of the assemblies (b).—p. 899.	-- Strong political or family influence, producing exclusion of dissenters and selection of incompetent officers, of which two instances are given (c).—p. 900. Complaints made that freemen of long standing, &c. cannot obtain admission to the body of twenty-four. These complaints, if not warranted by facts, are probably the result of the close mode of elections (b).—p. 898.
Yarmouth - (915) (Isle of Wight)	None - - - - -	-- Complaints of illegality of wharfage dues have been sometimes expressed, <i>but apparently without foundation</i> .—p. 917.	None - - - - -	-- Corporation under patronage &c.—p. 916.
Deal - - (931)	None - - - - -	-- A publican is placed upon each jury (i. e. grand and petty). The members of each jury dine together on the day of holding the sessions, at the houses of the publicans on the respective juries. Most of the publicans are taken, and nearly in rotation, who can furnish a comfortable dinner— <i>no opinion expressed</i> .—p. 935.	None - - - - -	Political opinions not considered, and it is supposed that no objection would be made to dissenters.—p. 932.

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SOUTH EASTERN CIRCUIT—continued.				
Dovor - (941)	- - Offices obtained by the members of the corporation, by the influence of the Lord Warden; five attorneys in the governing body, &c.—p. 945. Political favouritism in the appointment of commissioners of paving and watching under local Act, now expired.—p. 949. A reprehensible negligence in omitting to hold the general sessions about 14 or 15 years ago, since remedied.—p. 947.	- - Objectionable clauses introduced into the Bill for regulating the markets.—p. 951. Strong belief existing amongst several of the inhabitants that the justices have granted and refused licences from improper motives, <i>i. e.</i> in consequence of the brewers' connexions in the corporation (<i>No opinion stated</i>). Also two or three cases mentioned, which tended to an inference that soldiers and sailors, and their sons, who are entitled under Acts of Parliament to carry on their trades in corporate towns, were never licensed until they had purchased their freedom.— <i>But no instance fully substantiated (a)</i> .—p. 952.	- - Until very recently, the admission into the governing body was strictly confined to one political party. This principle of action, and the numerous family relationships which exist amongst the members of that body, have created a strong feeling of dislike and want of confidence towards it in many of the inhabitants.—p. 945.	- - Nodissenters in corporation. Family influence, &c. See columns 2 and 4. The political influence appears to be declining.—p. 943.
* Faversham, (961)	None - - - - -	- - Complaints that persons were elected into the ruling body for political reasons, by whom bye-laws were made injurious to the town.— <i>Not substantiated (a)</i> .—p. 963. Undue and oppressive exaction of fees upon the admission of freemen.— <i>Not substantiated (b)</i> .—p. 969. Complaints against the Mercer's Company, through whom alone persons can obtain the freedom of the corporation (<i>c</i>).—p. 970.	- - Great complaints of secrecy. Corporation unpopular.—p. 965. 967.	- - Political opinions, &c., considered in filling up vacancies in the corporation (<i>d</i>).—p. 963.
Folkstone - (981)	None - - - - -	None - - - - -	No statement - - -	No statement.
Fordwich - (987)	None - - - - -	- - Appropriation, by a deceased mayor, of a small plot of ground used as a place for drying nets.— <i>No satisfactory information obtained (a)</i> .—p. 992.	No statement - - -	- - Great influence obtained by an individual in the town.—p. 988.
Hastings - (997)	None - - - - -	- - Neglect of the improvement of the beach.— <i>Not proved (a)</i> .—p. 1002.	- - Respectful feelings supposed by the commissioners to have been lowered (<i>b</i>).—pp. 999.	- - Corporation under the control of an opulent neighbour (<i>b</i>).—p. 999.
Hythe - (1007)	None - - - - -	None - - - - -	No statement - - -	No statement.
Lydd - (1013)	None - - - - -	None - - - - -	No statement - - -	No statement.
Pevensey, (1017)	- - General incompetency of the magistrates (<i>a</i>).—p. 1018.	None - - - - -	No statement - - -	No statement.
Romney Marsh, (1025)	None - - - - -	None - - - - -	No statement - - -	No statement.
Rye - (1031)	Defective system pursued at a grammar school (<i>a</i>).—p. 1036.	None - - - - -	- - Dissatisfaction and jealousy arising out of the system of patronage; but much angry feeling has subsided (<i>b</i>).—p. 1032, 1033.	See the preceding column.
Sandwich, (1042)	- - None - - - - -	None - - - - -	No statement - - -	- - No exclusion on political or religious grounds. Taking office attended with expense, it being customary to give half-a-crown to each voter. Refreshments provided on election of Treasurer &c. (<i>a</i>).—p. 1040. 1045.
Seaford - (1059)	None - - - - -	None - - - - -	No statement - - -	No statement.
Tenterden, (1062)	None - - - - -	- - Complaint of management of grammar school.— <i>Complaint unreasonable (a)</i> .—p. 1068. Unfair appointments of deputy-borsholders, <i>i. e.</i> deputy-constables.— <i>Complaints unreasonable (b)</i> .—p. 1065. Irregularities in the Court of Record—(<i>Complaint originated from the feeling of animosity between a particular attorney and the town clerk</i>).—p. 1067.	- - A feeling of rancour between a particular body of dissenters and the town clerk, which it is impossible to exaggerate.— <i>Extremely prejudicial to the town (c)</i> .—p. 1064.	- - Local matters, rather than politics, influence elections; but strong religious feeling, in consequence of a dissenting competitor for the town clerkship having been excluded by the Test Act (<i>c</i>).—p. 1064.
Winchelsea, (1073)	None - - - - -	None - - - - -	No statement - - -	- - Corporation kept up for parliamentary purposes.—p. 1073.

(continued)

PROTEST AGAINST REPORT FROM COMMISSIONERS ON

NAME of BOROUGH.	CHARGES PROVED, (more or less) or Allowed by the opinions of the Commissioners.	CHARGES Not Proved, or Disallowed.	OPINIONS Expressed by Inhabitants or Commissioners.	POLITICAL CHARGES Stated by the Commissioners.
SOUTHERN CIRCUIT:				
Andover - (1079)	None - - - - -	None - - - - -	No statement - - -	No statement.
Axbridge, (1091)	- - Injudicious management of property (a).—p. 1097.	None - - - - -	No statement - - -	No statement.
Basingstoke, (1101)	None - - - - -	None - - - - -	- - Corporation has deserved the confidence of the inhabitants (a). —p. 1107.	- - Objections to admission of non-residents.—p. 1107. No statement.
Bath - (1111)	- - Increase of stipends of cor- porate officers, &c.—p. 1128.	- - Difference of opinion as to the management of Bath Com- mon.—p. 1120.	No statement - - -	No statement.
Blandford Forum, (1133)	None - - - - -	None - - - - -	No statement - - -	No statement.
Bridport - (1139)	None - - - - -	None - - - - -	No statement - - -	- Influence of relationship, but the persons chosen are fit and proper (a).—p. 1141.
*Bristol - (1149)	Neglect of the port and river - Injudicious disposal of the wharfage dues, and, as it is al- leged, the obtaining by surprise (not proved), a parliamentary confirmation of certain dubious claims. Unprofitable expenditure of revenues. A watchful jealousy that no- thing should be undertaken within the limits of the city which they cannot control (d) (e).—p. 1222.	- - Riots at Bristol Bridge.—No blame imputed (a).—p. 1086.	- - Corporation has always been the subject of attack and animos- ity, opposition and distrust; so that it seems doubtful whether the corporation could now do an act of real liberality, without be- coming liable to suspicion and and reproach.—p. 1223.	- - The same political party has not always had the ascendancy, and some of the most objection- able acts committed in the time of a party opposed to that which is now predominant. Constitution essentially bad.—p. 1222. Offers of the corporation to contribute liberally to the police, the inhabitants (b).—p. 1183. Large income surrendered by the corporation under the Wharfage Act; but the measure, which in itself was well calculated to promote good and kindly feelings, failed in the result (c).—p. 1216.
Calne - (1231)	None - - - - -	- - Complaint of want of suffi- cient number of magistrates.— p. 1234.	None stated - - -	- - Further municipal powers re- quired.—p. 1234.
Chard - (1237)	None - - - - -	None - - - - -	- - Inhabitants desire an exten- sion of the powers of their ma- gistrates, but an inference drawn that no magisterial or judicial power could be bestowed upon the corporation with any hope of gaining the confidence of the town, and that if the inha- bitants obtained their desire, the boon would not be valued by them (a).—p. 1242.	No statement.
Chippenham (1245)	- - Assumed or supposed aliena- tion of property. The land specified in the charter of Queen Mary, A.D. 1554, as containing 213 acres, now show- ing a defalcation of nearly 86 acres, besides a pasture called Bolts' Croft.—p. 1249.	None - - - - -	No statement - - -	No statement.
Christchurch, (1253)	- - Want of resident magistrates. —p. 1256. Portions of corporate property lost by neglect of parties em- ployed to collect quit rents.— p. 1256.	None - - - - -	No statement - - -	No statement.
Corfe Castle, (1257)	None - - - - -	None - - - - -	No statement - - -	No statement.
Devizes - (1261)	- - Inconveniences sustained by the absence of the recorders, when called from the spot by parliamentary duties, now reme- died.—p. 1262, 1265.	- - Unprofitable expenditure upon a canal wharf, which does not pay five per cent.—p. 1268.	No statement - - -	No statement.
Dorchester (1273)	None - - - - -	None - - - - -	No statement - - -	No statement.
Glastonbury, (1283)	None - - - - -	None - - - - -	No statement - - -	No statement.
Ilchester - (1289)	None - - - - -	None - - - - -	No statement - - -	- - Office of bailiff an object of contention in former times, with a view to parliamentary elec- tions.—p. 1289.
Langport, (1295)	- - Recorder, a county magis- trate.—p. 1296.	None - - - - -	- - Affairs of the corporation administered with a due regard to economy, to the general ad- vantage of the town, and to the benefit of its poorer inhabitants. —p. 1299.	No statement.
Lyme - (1303)	- - A dubious transaction con- cerning the profits of the fairs and markets, now let for about 40 l. per annum, between the years 1825 and 1831 (a).— p. 1311. Disregard of a wholesome bye-law made in 1627, prohibiting the admission of non-resi- dent freemen.—p. 1306. Complaint respecting the stopping up of a footpath, and want of attention to works and measures of public utility (b).—p. 1315.	None - - - - -	No statement - - -	- - Inference, that the corpora- tion is kept close for parliamen- tary purposes, under the influence of a peer.—p. 1306, 1307.

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SOUTHERN CIRCUIT— <i>continued</i> .				
Poole - (1319)	None - - - - -	None - - - - -	No statement - - - - -	No statement.
Romsey - (1331)	None - - - - -	None - - - - -	-- Affairs of the borough extremely well managed, and the conduct of the corporation, in the administration of justice, has given satisfaction to the inhabitants.—p. 1334.	-- Wish of some inhabitants for an alteration in the mode of electing common council.—p. 1334.
Salisbury, (1337)	None - - - - -	-- Expenditure exceeding income; but the permanent charges on the corporate fund are very heavy, also much burthened by the repair of almshouses.—p. 1345.	No statement - - - - -	No statement.
Shaftesbury, (1351)	-- Non-residence of the recorder, a Peer.	None - - - - -	No statement - - - - -	Family influence (a).—p. 1353.
Wareham, (1359)	None - - - - -	None - - - - -	No statement - - - - -	No statement.
Wells - (1365)	None - - - - -	None - - - - -	No statement - - - - -	No statement.
Westbury, (1377)	None - - - - -	None - - - - -	No statement - - - - -	No statement.
Weymouth, (1383)	None - - - - -	None - - - - -	No statement - - - - -	No statement.
Wilton - (1399)	No gaol now in the borough (a).	None - - - - -	No statement - - - - -	No statement.
Yeovil - (1405)	-- Some tenements stated in the account books to have belonged to the corporation in 1736, are now lost.—p. 1407.	None - - - - -	No statement - - - - -	No statement.
NORTHERN CIRCUIT:				
*Alnwick, (1413)	-- Extravagance in former years in entertainments (a).—p. 1421.	-- Objections, that the statements of the expenditure of the corporation, which are sent to the different trading companies, are not given with sufficient particularity.—p. 1421.	-- Disputes between the corporation and freemen, arising out of an agreement for settling the rights of the corporation in 1762, of which the validity is contested, and concerning which a bill in Chancery for a discovery was filed in 1818, to which the corporation put in their answer, and in which no decree appears to have been made.—p. 1414.	No statement.
*Appleby (1425)	-- A debt incurred for buildings, and an unsuccessful action at law.— <i>Expenditure improvident</i> —(a).—p. 1428.	None - - - - -	Various causes of discontent, arising from tolls, and also as in column 5.—p. 1428.	-- Inhabitants wish to have elections by 10 <i>l.</i> householders.—p. 1428.
sh-ton-under-Lyne, (1431) (a nominal borough)	None - - - - -	None - - - - -	No statement - - - - -	No statement.
Berwick-upon-Tweed, (1435)	-- Bribery at elections, and incompetence of recorders and other magistrates (a).—p. 1438. 1440.	None - - - - -	-- Complaint, that the office of recorder should be the effect of popular election, incompetent persons having been formerly chosen (a).—p. 1438. Bad mode of conducting business at the common guilds, the burgesses having the control of the revenue and the election of all officers exercising corporate and magisterial jurisdiction in the borough, not forming a majority of the more wealthy or intelligent residents (b).—p. 1443. Very large debt incurred by the management of the stints (c).—p. 1449.	-- Burgesses demoralized by their dependence upon the stints—p. 1450.
Beverly - (1453)	-- Bribery frequently takes place at the election of the mayor, very extensively and openly.—p. 1455.	None - - - - -	-- Dissatisfaction amongst a great majority of the burgesses, on account of mode of election (a).—p. 1461.	See column 4.
*Carlisle - (1467)	-- Improper demises of corporate property to members of the corporation, between the years 1700 and 1750 (a). Appointment of improper persons as coroners, also non-residence of the recorder, the Earl of Lonsdale. Improper appointment of bailiffs (a).—p. 1473.	-- A complaint was made of the improper refusal of a licence, —not substantiated (c).—p. 1476. Complaints of the taxation of the inhabitants under a police Act, they insisting that the corporation funds should defray such expenses. Bill in Chancery depending in relation thereto.	-- Jealousy and dissatisfaction, arising from the causes mentioned in columns 4 and 5.	-- Exclusion on the grounds of politics and religion (b).—p. 1472.
Clitheroe, (1483)	-- Collusive admission of burgesses. See column 4.	None - - - - -	No statement - - - - -	-- Complaints that burgesses are admitted upon the occupancy of burgage tenements for parliamentary purposes (a).—p. 1485. (continued)

NAME of BOROUGHS.	CHARGES PROVED (more or less) or Allowed by the opinions of the Commissioners.	CHARGES Not Proved or Disallowed.	OPINIONS Expressed by Inhabitants or Commissioners.	POLITICAL CHARGES Stated by the Commissioners.
NORTHERN CIRCUIT— <i>continued.</i>				
Cockermouth, (1489) (nominal borough)	-- Grave complaint of the inhabitants of the constituency of the borough. (No statement of the number of persons who signed the memorial.)—p. 1489.	See column 2 - - -	See column 2 - - -	See column 2.
*Doncaster, (1493)	See column 5, as to bribery, &c.	-- Imputed impropriety of the town clerk practising as an attorney in the Civil Court.— <i>But facts substantially disproved (a).</i> —p. 1499. Aldermen have the privilege of renting certain lands at about 11 <i>l.</i> below the value.—p. 1498. Objections to the constitution of the borough magistracy. It is also objected that any practising attorney should be the prothonotary (b).—p. 1501.	See column 5 - - -	-- Bribery and other mal-practices at elections. Wish for more popular mode of election (c).—p. 1496, 1497.
Durham - (1511)	None - - - - -	None - - - - -	No statement - - - -	No statement.
Garstang, (1519)	None - - - - -	None - - - - -	No statement - - - -	No statement.
Gateshead, (1525)	None - - - - -	None - - - - -	No statement - - - -	No statement.
Hartlepool, (1537)	None - - - - -	None - - - - -	-- Discontent arising from tolls (a).—p. 1533.	No statement.
Hedon - (1537)	-- Complaints of influence and family preferences operating upon the election of the members of the select body: it contained in 1833, four members of one family, besides the gentleman filling the office of town clerk, another of its branches (a).—p. 1539.	None - - - - -	-- No statement, except as collected from column 2.	-- No statement, except as collected from column 2.
Kingston-upon-Hull, (1545)	-- Bribery at elections, &c. See column 5. Undue advantages possessed by the clerk of the peace over other professional men (a).—p. 1556. Mismanagement of the Ferry Boat Dock.—p. 1563. Non-publication of bye-laws, by reason whereof persons may be entrapped into penalties, &c. (b).—p. 1551.	-- Payment of the costs of a constable indicted for false imprisonment, and acquitted upon his trial.— <i>No opinion (c).</i> —p. 1556. Inconvenience of the police rooms, and exclusion of the public.— <i>Public excluded without the knowledge of the magistrates, who do not appear to have sanctioned the same (d).</i> —p. 1557. A complaint concerning the supply of gas.— <i>Explained to the satisfaction of the complainants.</i> —p. 1558. Serious complaint against the magistrates, for not providing for the preservation of the peace of the town during a riot, and during which riot the inhabitants refused to assist the magistrates.— <i>Opinion: Magistrates in a situation of great difficulty, and acting with manifest wisdom (e).</i> —p. 1560. Discontents and excitements respecting market tolls, &c.— <i>The corporation having been successful in an action concerning them (f).</i> —p. 1569.	-- Discontents and excitements, distrust and disapprobation, for the causes stated in the other columns, principally among the middling and lower orders.	-- Constitution of governing body gives rise to discontent (see preceding column) and bribery (g).—pp. 1548, 1549, 1551.
*Kirkby-in-Kendal, (1589)	-- Closeness of corporation. See column 5. Town clerk partner to an alderman, &c. (a).—p. 1592. Appointment of improper persons as serjeants at mace (b).—p. 1592.	-- Sale to member of corporation; but without any improper partiality (c).—p. 1593.	-- Constitution of governing body unpopular.—See column 5.	-- Unfair exclusion on the ground of political or religious opinions (d).—p. 1591.
Lancaster, (1597)	-- Negligent management of certain corporate property anterior to 1829; and general bad management of the corporate estates anterior to 1817; both since remedied.—p. 1609, 1610.	-- Allegations that the recorder had neglected his duty, together with his replies to the same (a).—p. 1607.	No statement - - - -	No statement.
*Leeds - (1617)	None - - - - -	None - - - - -	-- Respectability of corporation and their impartial conduct universally acknowledged, but loud complaints against restricted system and want of a more popular mode of election.—p. 1626.	Family influence.

APPENDIX,

Containing EXTRACTS from portions of the EVIDENCE referred to in the preceding TABLES.

MIDLAND CIRCUIT.

(a) "THE grand and petty juries for the sessions are taken by the town clerk from lists of the inhabitant householders liable to serve, made and kept by him for that purpose. By the charter, the mayor has the exclusive privilege of executing all writs and precepts within the borough; and, accordingly, the precepts to the serjeants at mace to summon the juries are always signed by the town clerk, 'by order of the mayor.' In practice, also, it is usual to submit the panels to the mayor for his approbation, previously to affixing them to the precepts, and forwarding them to the deputy recorder for his signature; this is not merely a matter of form, as the mayor has, on these occasions, sometimes expunged and inserted names; the more general practice, however, has been, to return the panels to the town clerk without alterations. BANBURY.

"Complaint was made to us that the gentleman who filled the office of mayor during the last year had altered the grand jury panel for party purposes, and had given a copy of it to the attorney who conducted the prosecution of certain rioters.

"The mayor admitted that he had made several alterations in both the panels of jurymen for the October sessions 1832, and that he had delivered copies of them to the attorney, who afterwards conducted the prosecution of the rioters in question, for his inspection and advice. He said the town was at the time in a state of great political excitement, and that he had made the alterations in question for the purposes of excluding violent partisans on either side, and striking the balance between the contending parties as fairly as possible.

"The contending parties were the friends of Mr. P., a candidate for the representation of the town, favoured by the corporation, and the friends of Mr. T., the present Member: And the specific charge was, that a majority of Mr. P.'s supporters were placed on the grand jury panel, for the purpose of ensuring the finding of true bills against certain of Mr. T.'s supporters, who had been concerned in a riot on the 25th of September 1832.

"We found, however, that the grand jury panel contained more of Mr. T.'s supporters than of Mr. P.'s, and that the panel had been struck, and sent to the deputy recorder for his signature, some days before the riot of the 25th of September occurred. This fact being placed beyond doubt by the production of a letter written at the time by the deputy recorder to the town clerk, the complainants then shifting their ground, asserted, and appeared to believe, that the mayor had altered the panels in *anticipation* of the riot. The mayor denied the existence of any such motive, and it appeared to us to be negatived by the nature and effect of the alterations made.

"We have briefly stated these facts, because they were the subject of much local irritation, and because they seem to us to illustrate in a remarkable manner the popular and unalterable conviction that justice cannot be fairly administered by a self-elected magistracy, formed and continued for party purposes, and therefore necessarily composed of political partisans." (p. 12.)

(b) "This feeling was much increased about two years ago by the dismissal of Mr. A., the late deputy recorder, at the suggestion of the corporation, under circumstances which, as it seemed to us, by no means justified such a measure. The reason assigned by the corporation was, that Mr. A. belonged to the Midland circuit, and that it was more convenient to have a deputy recorder from the Oxford circuit. We have no doubt that this reason was merely colourable, and that the real causes of Mr. A.'s removal were, as several members of the corporation admitted, that his political opinions were supposed to differ from those of the majority of the corporation; and that on occasion of a tumultuous election in 1831, at which he attended as assessor to the returning officer, he had, pursuant to instructions from the Secretary of State, advised the mayor to take the poll without bringing a military force into the borough." (p. 14.)

"The strong prejudice entertained against the corporation has on more than one occasion of popular tumult produced alarm and imminent danger to the peace of the town. During the period of the agricultural riots in 1830, the inhabitants very generally refused to be sworn in as special constables at the instance of the local magistrates: on that occasion the military were driven out of the town by the mob, and had not several respectable and influential inhabitants, unconnected with the corporation, at that moment interfered, very serious mischief would probably have occurred. A similar refusal to be sworn in as

special constables by the corporation took place at the election in the spring of the year 1831." (p. 13.)

"It would be foreign to our purpose to detail the particulars of this transaction; (*i. e.* the dismissal of Mr. A.) we were satisfied however, upon a full investigation of them, that Mr. A. acted conscientiously and correctly, and that the removal of a judicial officer under such circumstances, had materially added to the general want of confidence in the administration of justice within the borough. The high estimation in which the present deputy recorder is held, and his disconnexion from local party, exclude all suspicion of judicial injustice in trials at the sessions; but there is a constant apprehension of unfairness in the previous machinery of the courts, and in the exercise of the summary jurisdiction of the magistrates. One instance of this we have already mentioned in the case of the supposed alteration of the jury panels; others of a similar kind were related to us; and though we were satisfied that the charges were without foundation in the particular instances, we consider them as so many proofs of the existence of an inveterate suspicion and distrust on the part of the inhabitants towards the local magistracy, which leads even intelligent and well instructed persons to believe improbable suggestions and accusations upon little or no evidence." (pp. 14, 15.)

"The corporation and the inhabitants in general are fully sensible of the importance of providing a more secure and convenient gaol. But the corporate funds are inadequate to meet the necessary expense; and the inveterate ill-will and distrust with which the corporation is regarded by the great majority of the inhabitants, would render it inexpedient to attempt to take money for this purpose from the poor rate, to be expended under the direction of the corporation, even if such a course were in other respects legal and practicable." (p. 13.)

EVESHAM.

(a) "The seven aldermen, 12 capital burgesses, recorder and chamberlain, in all 21 persons, of whom the mayor is one, constitute the ruling body of the corporation, and are self-elected in the manner above set forth.

"We believe that this constitution of the ruling body has been, and still is, productive of great evil to the town, in particular, complaints were made of the narrow and exclusive spirit in which the body is perpetuated. Every one who is known to entertain opinions at variance with those of the influential part of the corporation is carefully excluded from this body. No dissenter, however respectable, has ever been elected; and previously to 1818, when it was considered desirable to reduce the number of voters, obstacles, as we were informed, were thrown in the way of admitting persons entitled to their freedom by birth or servitude.

"In consequence of frequent contests in the election of Members of Parliament, party feeling has long run high at Evesham, and, independently of other mischief, the exclusion of certain classes from all participation in the management of the town, has produced and keeps alive, to a very injurious extent, a feeling of jealous animosity." (p. 54.)

"Judgment is obtained, and execution issued in from three to five weeks, and it is considered by resident practitioners, that the court might be exceedingly useful if a competent judge, unconnected with local party, were appointed to preside over it. Great complaints, however, were made to us as to the mode in which justice is administered in this court, as well as in the court of quarter sessions. Party spirit, as we have before stated, has always run high in the town. The corporation is one of the conflicting parties; and the leading members of the corporation constitute the judges of the borough. Under such circumstances, perhaps, it would be difficult for the most upright and intelligent magistrate to divest himself altogether of a bias in favour of his own partisans.

"Whether the magistrates of Evesham are exempt from such infirmities or not, an impression prevails among many of the inhabitants of the borough that the administration of justice is conducted by the corporation with a view to party feelings and party purposes; and a particular instance of this was pointed out, upon which, after hearing the allegations on both sides, and inquiring into the circumstances,* we were not able to come to any certain conclusion. However, as far as we had the means of judging, it appeared that the municipal authority was vested in the best hands with reference both to intelligence and character to be found in so small a district.

"It is plain, that while a persuasion, such as we have described, prevails, whether with or without reason, the administration of justice must be attended with a degree of discredit and mistrust which cannot but be prejudicial to every social institution." (p. 55.)

GLOUCESTER.

(a) "It was strongly urged upon us by parties opposed to the corporation, that the principle of self-election, upon which the constitution of the ruling body is founded, has practically produced bad effects on the town. It was alleged, that persons who entertain political opinions different from those of the corporation, are carefully excluded from that body; that the power and influence enjoyed by the governing body has been exercised by them, for the purpose of turning the scale at parliamentary elections; that the character of the magistracy is lowered, and its efficacy impaired, by the exclusion of many respectable and instructed persons; and that though the business were never so well conducted by the existing corporation, the jealousies and animosities occasioned by this system of self-election

* "The instance in question was adduced rather as having a suspicious appearance, than as forming the ground of any actual inculpation; and though we investigated the matter with some diligence, we did not esteem it within the scope of our Commission to enter on it with the minuteness and formality of a judicial tribunal."—(Note of the Commissioners.)

tion and exclusion, are productive of great evil to the inhabitants at large. The inefficiency of the police, and of the nightly watch, were also ascribed to the same cause; this inconvenience, however, is mainly occasioned by the very defective provisions of the Local Act for the regulation of the town. However just these suggestions may be as directed to the *tendency* of the principle of self-election, we think that the practical evils arising from the system are less developed in the city of Gloucester than in many other instances of close corporations. No instance of the direct exercise of corporate influence in parliamentary elections was brought to our notice; and though cases of indirect interference were confidently asserted to have taken place, none were proved, or attempted to be proved; and it appeared to us that the cases alluded to, if true, were referable rather to the exercise of the personal interest of individuals than to the abuse of any authority or influence possessed by them as members of the corporate body. At all events, it is clear that exclusion from the corporate body, on the ground of opinions, has not extended to religious opinion, several dissenters having been for some time members of the corporation." (p. 62.)

(b) "In consequence of some suggestions made to us upon the subject, we inquired into the circumstances of three leases of corporation land granted to members of the corporation. It appeared that 15 acres of such land, without buildings, are let to Mr. Hyett, one of the corporation, and Member of Parliament for the borough of Stroud, at a rent of 28*l.* per annum. According to the estimate of an experienced surveyor fairly made at the time of granting the lease, this rent appeared to be the full value of the land in question. Mr. Hyett has since underlet it to Mr. Jones, also a member of the corporation, who pays him a rent of 30*l.* a year for the 15 acres; but this increased rent is paid by Mr. Jones in consequence of an allowance made to him in respect of an adjacent farm rented by him of Mr. Hyett.

"Mr. Jones also holds 62 acres of arable land under the corporation, at the rent of 124*l.* per annum; and 21 acres, at 52*l.* 12*s.* per annum. We are satisfied upon particular inquiry, that both these rents are the full value of the lands for which they are respectively reserved.

"Mr. Alderman Fletcher occupies 18 acres of corporation land adjoining his house and garden, at an annual rent of 85*l.* 10*s.*, and has taken a lease of 21 years, determinable at the end of 7 or 14 years, at the option of either party. This is a larger rent than would have been given by any other party for the land, and would not have been given by Mr. Fletcher, had he not been induced to take the lease in consequence of the particular advantage he obtained by enlarging his garden and pleasure grounds. He has laid out considerable sums in the improvement of the property.

"A great part of the houses of the city are held under the corporation on 41 years' leases, renewable every 10 or 14. Some few are let at rack-rent.

"As a large part of the city is corporation property, occasional leases to some of their own body are scarcely avoidable; but no case of partiality in granting such leases was proved before us.

"Upon a perusal of the corporation accounts for the last 10 or 11 years it appears that very large sums of money have been expended by them within that period towards the general improvements of the city. The most extensive of these improvements has been the formation of a commodious market for the sale of live stock, which was effected by the corporation under the provisions of an Act of Parliament obtained in the year 1821; prior to which time the markets were held in the open streets, to the great annoyance of the public. To enable them to effect this object it was found necessary to purchase some buildings adjacent to the markets, which, added to the expense of raising the ground to a proper level, and completing the markets, cost the corporation upwards of 10,000*l.*, a great part of which sum they were obliged to borrow for the purpose. For this outlay they receive the tolls and rent of the new cattle markets; but the income arising from them does not exceed three per cent on the amount expended.

"In addition to this improvement, they spent more than 200*l.* in 1822 and 1823 in forming a new road near the Spa, and upwards of 150*l.* in the latter year in repairing and new-fronting the Hospital of St. Mary Magdalen to improve one of the entrances into the city; and in 1824, 1825 and 1826, they laid out the sum of 510*l.* in repairing the road leading from St. Margaret's Hospital at Wotton into the city, and a further sum of 78*l.* for improving the footpath at the same place.

"Another public improvement was effected by the corporation in 1826 and 1827, in covering over an offensive ditch and forming a road over it to connect the lower end of the Westgate-street with the Severn and Quay: this, and other improvements connected with it, cost upwards of 2,000*l.*" (pp. 66, 67.)

(a) "The alderman and twelve capital burgesses, elected and qualified as before stated, form the ruling body of the corporation: a body, which has long ceased to answer any municipal purposes, and has exercised no function but that of returning to Parliament the nominees of the patron of the borough. MALMESBURY.

"From the foregoing statement, it appears that this body is self-elected, irresponsible to the inhabitants of the town, and composed chiefly of labourers without education, and of the least instructed class of retail tradesmen.

"The present alderman, a pig-killer and chief magistrate of the town, is scarcely able to write his name.

"The alderman-elect, Simon Pike, chief magistrate for the ensuing year, is a labouring plasterer and tiler; and can neither read nor write.

" Richard Neate and Christopher Aaron, successively chief magistrates, were both of them unable to write, and had no other substance or calling than keeping a few cows.

" It may be supposed that such persons, however irreproachable in their private capacity, would scarcely be competent to discharge the functions of chief magistrate in a considerable town. But, whether it be owing to the singular distribution of certain town lands which prevails in Malmesbury, or to any other cause, the morals of the labouring class in that town appear to be below the standard of the neighbouring country; and among those who have served the office of chief magistrate some are not exempt from the reproach of frequent intoxication, even during their year of office.

" During the present year, in consequence of a squabble between the deputy high steward and the alderman, as to the division of fees paid upon the renewal of publicans' licences, the alderman has refused to act with the deputy high steward; the result of which is, that no conviction or parish order which requires the signature of two magistrates, can be had in the absence of the high steward.

" Nor are the ill effects of the municipal institutions confined to the limits of the borough.

" As the poor are maintained within the borough, those parts of the parish without the borough, amounting to between 7,000 and 8,000 acres, which are rated to the poor, may be said to be subject to the control and management of the borough magistrates; for the overseers of the out parts of the parish pay the amount of their rates to the overseers within the borough; and these are appointed by the borough magistrates, who pass their accounts." (p. 79.)

MARLBOROUGH.

(a) " It appeared to us that the subserviency of the corporation of Marlborough to political purposes, has been extremely injurious to the well-being of the community in various ways, but principally by the inveterate dislike to the local authorities caused by it; nor could we find that, as a municipal institution, the corporation had for more than two centuries been productive of any material benefit to the inhabitants of the town. The portion of their revenues that has been devoted to public uses, is inconsiderable; and for the administration of justice, the body is of little service. The three borough magistrates of this small town belong exclusively to one of two conflicting political parties, animated against each other by feelings of bitter hostility. The decisions of magistrates so circumstanced, however proper and impartial, when given in favour of their own friends, are always considered unjust by their political adversaries; and in the apprehension that justice cannot be obtained for themselves, those adversaries are naturally indisposed to appeal to such a tribunal: although upon a full inquiry, we find the decisions of the borough magistrates, in several instances of imputed misconduct, to have been correct; the conviction of their political opponents that judgment is pronounced according to political bias, produces many of the worst effects of an actual denial of justice.

" From the system of self-election in the corporate body, it has continually happened that the magistrates and the town clerk have been in partnership together, or closely connected in business or by relationship." (p. 85.)

OXFORD.

(a) " It is possible that the abolition of the exclusive privilege of trading might, by enabling many persons of small capitals to commence and carry on business, give a stimulus to the demand for labour, and contribute to lower the rates. Many even of those in possession of the privilege esteem it pernicious to the town; and numerous complaints were made of the mode in which it is enforced by the board of trade. No steady rule appears to be pursued; and while some who violate the privilege are excused on account of alleged or real poverty, others equally poor are proceeded against with severity, and in addition to the price of their freedom, compelled to incur heavy costs. In a recent instance, an individual who had violated the exclusive privilege, was compelled to pay upwards of 28*l.* upon a cognovit. He had, indeed, resisted the board of trade with persevering contumacity; but a considerable proportion of the expenses were incurred after he had abandoned all opposition, and signified his intention to pay the usual price for his freedom. It appears to us, that, at that juncture, the city solicitor should have abstained from incurring further expense; and we conceive that the committee of trade were not justified in sanctioning the infliction of a heavy punishment upon a tradesman, in the form of unnecessary costs, after they had attained their object of enforcing the privilege of the city." (p. 107.)

(b) " In the form of election 'by scrutiny in the house, and by the commons,' as above described, the burgesses of Oxford have only the semblance of a popular choice. That choice is restricted to one of two persons, nominated by the select body, who have, obviously, always the power of nominating two persons equally obnoxious to the great body of the freemen, and equally opposed to their opinions. This appears to be the source of considerable dissatisfaction among the inhabitants; but a subject of still more serious complaint is, the system on which these illusory elections are conducted, producing, as it does, a general depravation in the morals and habits of the lower class of freemen, without any one of the advantages which are expected to attend a popular choice. The practice is to assemble, in a very confined space, as many of the freemen as choose to attend, there to await the announcement of the two names selected by the council chamber, as candidates for the election. In the meantime, the friends or partisans of the candidates distribute liquor among their respective voters; a scene of riot and intoxication ensues, and

and when the polling begins and the voters are passed, one by one, through a small opening, at which they are counted by the tellers, the scramble is such as to endanger life and limb, and in the confusion and struggle many persons are enabled to vote who are not freemen. We were informed by two individuals, who are now freemen, and in a respectable station in life, that they had voted at almost every civic election for five years before they took up their freedom. The consequence of this is, that the respectable and instructed portion of the freemen (tradesmen and shopkeepers) studiously absent themselves from these elections; and, although there is a body of more than 1,400 resident freemen, the annual vacancies of corporation offices are generally filled up by the votes of less than 500 persons, consisting of the inmates of the workhouse—who, on election days, have a holiday for this purpose—and of the most indigent, illiterate and worthless inhabitants of the city.

“To this body the election of the persons who are to fill the most important municipal offices is practically abandoned: this, therefore, is the body which the candidates and their friends, even in the station of magistrates, find it important to conciliate and dangerous to offend; the consequence has been an almost universal system of treating and bribery, and, as it is asserted, great want of resolution on the part of the city magistrates in the administration of the poor laws.

“For days previous to every election, it has been usual to open the public-houses; and the order to draw beer to a certain amount *after* an election has so far passed into a settled practice, that the deputy town clerk, on such occasions, regularly issues tickets to 43 public-houses, authorizing each of them to draw liquor for the freemen to the value of 30s. The whole of this expense, amounting to about 65 l., is then paid by the same officer, and afterwards apportioned by him among the successful candidates, as a part of the necessary expenses of entering upon their respective offices. It is not surprising, therefore, that upon these occasions the labourer ceases to work, the amount of wages he may be able to command goes in aid of the small share he can obtain of the general treat, and his wife and family are left to the parish.

“When it is considered that this process, or something equivalent, is repeated at the annual elections of no less than five of the civic officers,—at the elections of town clerk, coroner, high steward,—at the elections of the various persons who in turn become candidates for charitable loans,—and at the elections of Members of Parliament,—it will at once be seen how large a portion of the year must be devoted to idleness and debauchery, and how large a portion of the voters consigned to the purposes of corruption.

“It is believed that a very small proportion of the class of freemen just described occupy houses and pay rates to the amount of 10l. It is well known that a large number of the resident freemen belong to the most indigent portion of the community: this, indeed, is apparent from the fact, that at the last revision under the Reform Act, 65 names were struck out of the list of freemen, upon the ground of their receiving parish relief, not at the instance of a party, but by the official suggestion of the town clerk, founded on the notoriety of the fact. These 65 paupers have still unobjectionable votes in city elections, and would probably form the most venal part of the body of 500 by whom the elections are usually made.

“Nor is the mischief now described confined to the election of civic officers and Members of Parliament: the freemen, as we have before intimated, have the election of persons who from time to time receive certain eleemosynary loans; the candidates for these loans pursue the course of treating and bribery prescribed by inveterate practice in the corporation elections, and a large proportion of each loan is wasted in low dissipation.

“The mode in which these eleemosynary loans are commonly obtained and disposed of affords a curious instance of the inutility of such endowments, at least as they are administered at Oxford. The borrower being required to find two sureties for the repayment of the principal sum at the end of seven years, in general hands over the amount, 100 l., to them, receiving from them 28 l., being four per cent. for the seven years, and they applying the principal to their own purposes: when the expenses of treating are deducted from the 28 l. very little remains to the object of the charity.” (p. 99, 100.)

(a) “It was a subject of complaint that the mayor and aldermen, who are judges in the court of record, are occasionally compelled to try causes in which members of the corporation are parties. Our attention was particularly directed to a proceeding in which a member of the corporation was the successful party, and in which it was suggested that, from partial motives, improper and illegal evidence had been admitted, to the prejudice of the defendant. Upon this occasion, the town clerk for the time being was serving the office of mayor, and presided as judge; he was also in partnership with the attorney for one of the parties in the cause, and as town clerk taxed the bill of costs. However objectionable an institution may be in which the incompatible offices of judge, adviser of the judge, and attorney, may be virtually combined in one person, we were satisfied, upon a careful and minute investigation, that there was no ground for the charge of individual misconduct; that the cause was properly conducted and decided; and that the defendant had never complained of the decision of the jury, or of any part of the proceedings. READING.

“Several members of the corporation are brewers, and a charge was made against the borough magistrates, that in order to favour the houses belonging to those brewers, they had refused to license a public-house in a newly-erected quarter of the town where it was much required. The magistrates allege, and we believe it to be the fact, that there were at that time already between 60 and 70 public-houses in the town; and that great evils

having resulted from them, they had resolved to license no more until the number had been reduced. It appeared that this resolution had been acted upon, as well in cases where members of the corporation were interested as in others." (p. 114.)

(b) "It was suggested to us, that in the management of the corporation property, much unjustifiable partiality had been shown towards members of the corporation; and five cases in particular were specified as instances of the alleged misconduct:

1. A lease of building ground, granted in 1831 to Mr. George Higgs, an alderman.
2. A demise of a piece of land, at an inadequate rent, to one of the chamberlains.
3. A lease of building ground, called Conduit Close, granted privately, and at an inadequate rent, to the present town clerk, Mr. Blandy.
4. A lease of a public-house, called the Six Bells, to Mr. Alderman Blandy, a brewer, and a brother of the town clerk.
5. A lease of a weighing engine, to Mr. Alderman Blandy.

"We thought it our duty to enter into a full investigation of these charges, which were strongly pressed upon our attention; and at our suggestion, the corporation furnished the individuals who made them with particulars of the local situation of the several premises to which the objections applied, in order that they might be surveyed and valued. A whole day was allowed by us for the purpose of enabling both parties to procure evidence on the subject; and after a long and minute inquiry, we were satisfied, that in the instances pointed out, the charges were destitute of foundation.

"The suggestion of these charges, however, is in itself a proof of the practical inconvenience produced in the town of Reading, by the system of self-election and close management; to which cause it seems to be mainly attributable that the motives and actions of the corporate body, even where they are unexceptionable and meritorious, are constantly regarded with distrust, and become the subject of misrepresentation.

"Upon a perusal of the accounts of the corporation for several years past, we find that no part of their revenues has been expended in entertainments, with the exception of some small expenses at their annual audits. On the other hand, they have expended large sums of money in re-modelling the practice of their court of record, in building a new police-office, and enlarging the town-hall (which is used not only for the borough courts, but for the county assizes); in making arrangements for the use of the county gaol, and in procuring a new charter for the improvement of the local magistracy." (p. 116.)

(c) "The mayor, aldermen and assistants, constitute the ruling body of the corporation; they are self-elected, and it may probably be ascribed to this circumstance, and to the fact that members of the same family have happened to belong successively to the corporation for the last 50 years, that their conduct has been viewed by the inhabitants of Reading with a degree of jealousy and dissatisfaction, which their official acts, taken by themselves, are by no means sufficient to account for." (p. 113.)

STRATFORD-
UPON-AVON.

(a) "A question was raised before us by the present vicar, respecting the sufficiency of the stipend paid to him by the corporation; with respect to which, we concur in the opinion expressed in the Report of the Commissioners for inquiring concerning Charities, upon the construction to be put upon this part of the charter. We think that there is an obvious distinction between a direction to pay a specific stipend for the expressed purpose of maintaining an institution, and a direction to pay a stipend to an individual, without reference to an object to be attained by such payment. In the former instance, we conceive that the payments must be increased to the full extent of the revenues granted, if such additions become necessary for the proper and effectual support of the institution; in the latter case, the whole obligation is discharged by the payment of the specific sums directed. In point of fact, it appears from the above cited Report that, with respect to the proper and effectual maintenance of the charitable establishments, 'the corporation do substantially perform the duty cast upon them so far as is at present required, and that they are not bound to do more.' It will be seen from the subjoined account of the expenditure of the corporation, that the vicar's stipend has been raised from 20*l.* to 157*l.* 10*s.* a year, and that the chaplain's annual salary is at present 50*l.*, instead of 10*l.* as directed by the charter. Under these circumstances, the suggestion that the corporation have not acted with justice respecting the stipends of the vicar and chaplain seems to us to be without foundation." (p. 121.)

(b) "The debt was some time ago considerably larger than at present, but has been reduced by means of a Sinking Fund created for that purpose. Of late years, however, the money applicable to that fund, has been considered to be better applied in effecting some improvements in the town. Within the last few years the corporation have expended upwards of 1,200*l.* in purchasing the interests of lessees and others in certain property, and have given up several houses not let on lease, for the purpose of being taken down to widen one street, and to form another new street, in order to effect a more convenient communication between the old and the new town.

"It appears, upon the inspection of the chamberlain's accounts for several years, that the income of the corporation has progressively increased since the year 1827. In that year the income arising from the Guild and College estates amounted to about 1,500*l.*, while the rental of the last year amounted to 1,872*l.* The causes of this improvement are to be found principally in the improved system of management which has taken place within

within the last five or six years, in the discontinuance of the practice of granting leases on fines, and in the falling in of old leases of premises which have been since let by auction at rack rents.

"We find that in every instance, the corporation have attended to the suggestions made by His Majesty's Commissioners for inquiring into Charities, both as regards the general management of their funds, and the proper application of them to the charitable establishments designated by the charter.

"In several cases where the income of charities entrusted to the corporation has become inadequate to their support, the deficiency has been supplied out of the corporate funds." (p. 122.)

(a) "An opinion prevails in the town, that the present master conducts the process of TEWKESBURY. tuition with improper severity; in consequence of which, parents are deterred from entrusting their children to his care, and complaints were made to us that the inhabitants of the town are thus deprived of the benefit of a free school in their immediate neighbourhood.

"Representations on this subject have been frequently made to the governors; who have, however, proceeded no further than to caution the master on the subject, and to recommend recourse to a system of discipline of less severity. This seems to have produced some effect, but complaints of undue severity are still made; and the towns-people object, as it seems to us not without reason, that the master, who by the charter ought to be under the control of the justices, should himself be one of them; and thus in some degree a judge in his own cause." (p. 127.)

WESTERN CIRCUIT.

(a) "The fines to be paid upon the lettings made from time to time, were in form ascer- ABERYSTWITH. tained and presented by the jury at the courts leet. In fact, however, they appear to have been settled by the town clerk for the time being, and the other individuals who have exercised, in the manner above mentioned, a control over the affairs of the corporation.

"One of these individuals, Mr. Sheldon, is the lessee of two parcels of this property, which is now of very considerable value. How far this gentleman may have availed himself of his influence in the corporation for the purpose of obtaining a beneficial lease of the property in question, (which was one ground of charge against the corporation,) or how far improvident bargains may have been made on the part of the corporation in the other leases granted by them, it would now be difficult to determine: the transactions were not conducted in such a way as to be altogether free from suspicion; in most instances, no valuation appears to have been made, nor any public competition invited, prior to the agreement being entered into.

"These lands, with the improvements that have been made upon them, now constitute the most valuable property in the town.

"It is stated on the part of the corporation, in explanation of the small amount of the several fines as compared with the present value of the property, that the title of the corporation to the land was at the period of the earlier lettings considered doubtful, and that larger fines could not then be obtained.

"The account of the monies received from the fines in question appears to have been very irregularly kept; for a long period, the fines were received by the town clerk himself, and applied to the discharge of the balance from time to time remaining due to him. At a subsequent period, a sum of money appears to have been borrowed by the corporation from Mr. Sheldon, at five per cent. interest, for the purpose of being applied towards the further liquidation of the town clerk's demand; and Mr. Sheldon appears to have received the fines falling due to the corporation, in satisfaction of the money so borrowed from him, without their being ever brought into the annual accounts of the chamberlain.

"There still remains due to the late town clerk the sum of 120 l.; and there is owing to Mr. Sheldon the sum of 40 l. in respect of the money borrowed from him as before mentioned.

"The leases before mentioned comprise all the lands of the corporation of any present value. There still remains however to the corporation a piece of uninclosed land, comprising about three acres, lying near the town, which is at present used for no other purpose than for the holding of fairs. This property is at present wholly unproductive, and no income can be expected to be derived from it for a considerable period.

"There is another piece of land, situate about a mile from the town, consisting of 25 acres, to which the corporation claim to be entitled. This land was inclosed by them about fifteen or sixteen years ago, and rent was for a short time received by them in respect of it. It appears that a Mr. Matthew Davis (a person no way connected with the corporation) then took possession of the land, and has been allowed to remain in possession ever since. Why no steps have been taken to recover this property I was unable to learn. Proceedings for that purpose are stated to be in contemplation." (p. 173.)

(a) "Owing to the small number of persons liable to serve, it is found impossible on any CARMARTHEN. occasion to select a special jury, and the common juries usually consist in a great degree of the lower tradespeople, with one or two of the labouring class.

" Owing also to the political character of the officers, who select and summon the juries, as well as of the jurymen themselves, the majority of the jury is usually composed of partisans of the same political colour. Hence it happens, that verdicts both in the civil and criminal courts are frequently given from party bias, against justice and the merits of the case: and a general fear prevails amongst suitors opposed to the majority, that their cases will be so decided.

" In the case of *The King v. Thomas* and another, tried at the last Spring assizes for the county of Carmarthen, it appears that the defendants were charged with a capital felony, in having riotously assembled with other persons and remained together one hour after proclamation. The offence alleged to have been committed, arose out of circumstances connected with the proceedings on the charter-day, in 1832.

" Mr. Thomas (an attorney) was an active and leading member of the party opposed to the corporation.

" The sheriffs belonged to the corporation party.

" The grand jury before whom the bill was preferred, consisted of 20 burgesses; of these, 17 belonged to the corporation party, the foreman being one of the committing magistrates.

" The bill was returned a true bill.

" The panel from which the petty jury was to be chosen contained 60 names. Of these jurors, 12 belonged to the defendant's party, 2 were neutral, and 46 belonged to the corporation party.

" An application was made to the judge to order the indictment to be tried in the county of Carmarthen. The order was made, and the defendants were acquitted by the county jury.*

" The answer made by one of the sheriffs to this statement was, that there were not a sufficient number of respectable persons of the defendant's party to enable him to summon a grand jury consisting of an equal number of either side; and that the petty jury were summoned from the burgesses who had not attended at the previous assizes.

" This answer was disputed; but, taking it to be correct, the principal ground of objection to this method of selecting jurymen is not weakened, but confirmed." (p. 213.)

" The police force consists of a chief and 12 petty constables.

" The chief constable was brought down from London in 1831, and had been connected with the London police.

" The object of the magistrates in making this appointment, was to organize the existing police, and to instruct them in the performance of their duties. For this purpose the chief constable was deputed by the mayor to act as the head officer, with a salary of 90 *l.* per annum. This salary and casual fees do not amount to 100 *l.* a year.

" The petty constables were formerly ten in number; two being appointed for each ward. Their number has been lately increased to twelve. They are appointed (and most frequently re-appointed) yearly by the magistrates at sessions, from a list supplied by the chief constable, and act throughout the borough, without reference to their particular wards.

" One of them has a salary of 10 *s.* a week, and a house free of rent and taxes; another has a salary of 26 *l.* a year; and a third has 5 *s.* a week, as superintendent of the water-cocks; the other nine receive no pay or emolument, except trifling fees upon the execution of warrants.

" Of the present constables, three are small tradesmen, and the rest belong to the labouring class; some of whom are not householders.

" They are described by the best authority as 'very ineffective;' only four of the whole number being active officers.

" One cause of their inefficiency is the want of proper regulation. The chief constable, though nominally at their head, has no means of exercising an effective control, or compelling obedience to his directions. He has not been able to systematize their operations, or reduce them under regular management.

" Another cause is, 'the want of proper payment, and proper selection.'

" It is the opinion of the intelligent chief constable that an efficient police might be established without difficulty, 'if the constables received proper pay, and were not connected with the corporation, or subject to annual appointment by the magistrates.'

" The three paid constables are burgesses of the corporation party; they are not amongst the active officers; five others scarcely act at all, and the remaining four are of an inferior class,

* " The order was made by virtue of the 3d section of 38 Geo. III. c. 52. That Act was passed for the purpose of mitigating the evils arising from the causes above described. After reciting that 'whereas there at present exists in the counties of cities and of towns corporate, an exclusive right that all causes and offences which arise within their particular limits, should be tried by a jury of persons residing within the limits of the county of such city or town corporate, which ancient privilege, intended for other and good purposes, has in many instances been found by experience not to conduce to the ends of justice;' the Statute enacts that the venue in civil actions may be changed by application to the Courts at Westminster, 'if they shall think fit and proper so to do;' that indictments may be prosecuted in the adjoining county, upon the prosecutor entering into a recognizance of 40 *l.*, conditioned to pay the extra costs of the proceedings; and that indictments found by a grand jury of the town corporate may by a Judge's order be tried in the adjoining county.

" The provisions of this Act can only apply to an insignificant portion of the cases in which the evil is felt."

class, who are content to act for the small emoluments derived from the execution of warrants.

"With respect to the mode of appointment, it appeared that a servant of the corporation was lately dismissed from the office of constable, 'because he voted against the corporation,' and was succeeded by a burgess 'who voted for them.'

"In a recent case in which it was necessary to call in the aid of special constables, it seems that such constables were selected from the workmen of persons of the same politics as the corporation party. The fact or the suspicion of it is inevitable, whilst the appointment rests with a body invested with a known political character.

"The chief constable suggested, that the only means of obviating the evil was, by withdrawing the police from its present management, and placing it under the direction of a commissioner, unconnected with either of the parties who contest the rule of the corporation." (pp. 213, 214.)

(b) "Attornies of the superior courts are permitted to practise in this court without admission, and they act both as attornies and counsel. In actions under 40 s., it is the practice of attornies' clerks to conduct suits in their master's name; amongst others the clerks of the town clerk and deputy recorder (the prothonotary and judge of the court) are permitted to carry on this practice. The practice is, in all cases, a great abuse of the privileges of the attornies; and in the instances last alluded to, it renders the administration of justice at the least suspected, and enables the defeated suitor to impute, with a colour of probability, unfairness to the judge, and partiality to the officer who taxes the bill of costs and summons the jury.

"In addition to these grounds of objection, there is another of still greater weight, which arises from causes deeply seated in the constitution of the borough.

"This ground of objection is the political bias under which the judges, jurors and officers of the court are known to act in the ordinary business of the corporation; and believed, by their opponents, to act in the discharge of their judicial duties.

"With respect to the judges and officers of the court, they are all (except the deputy recorder) elected by the burgesses, for reasons and in a manner already described. The deputy recorder is free from the taint of such election, and is also free from the suspicions to which it naturally and necessarily gives rise." (p. 212.)

(c) "In consequence of the absence of old accounts, the chamberlain was unable to furnish a statement of the alienations of property made by the corporation during the last 40 years.

"According to the statements of both parties, property to a considerable amount has been sold by the corporation during that period.

"It was said that 14,000 l. was raised in this manner, by the party now in the minority, in 1796; and three or four years ago, 9,000 l. was raised by the same means, by the party now in office. Of these transactions, however, no account was forthcoming; nor, according to the chamberlain, can be produced.

"The last sum of 9,000 l. was raised to pay off incumbrances; of the former sum, a considerable portion was laid out in public buildings and improvements; and great sums were spent in litigation with purchasers of the property who had refused to complete their contracts.

"Amongst the principal improvements upon which a portion of the purchase-money was expended, were mentioned the building of the meat, fish and butter market, the slaughter-house, the new quay, the gaol, the poor house, making the parade walk, and opening and widening sundry streets in the town." (p. 216.)

(a) "The juries, both grand and petty, are summoned on all occasions from the resident Haverfordwest burgesses. The rest of the inhabitants of all degrees, are excluded from serving on juries within the borough; and, in common with the burgesses, are exempted from serving elsewhere.

"Of the resident burgesses, who are in number 141, there are not 50 who are fit to serve upon juries at all. The better sort are summoned as grand jurymen at the assizes; but even at the assizes it is impossible to exclude the unfit; and at the quarter sessions and the Intrinsic court, the juries are summoned indiscriminately from the general list of burgesses.

"Besides their unfitness, in point of capacity, the jurors of an inferior class are always obnoxious to the suspicion of political partiality towards their fellow burgesses.

"In civil cases, their verdicts have been given from party feelings against the merits of the case; so that suitors of an opposite party have no confidence in their decision.

"In criminal cases, instances have frequently occurred of the improper acquittal of burgesses on prosecutions supported by satisfactory evidence. On these occasions the juries have been openly reprimanded by judges and magistrates. The practice has not been checked by such reprimands, and a general belief prevails that 'it is impossible to convict a burgess.'" (p. 239.)

(a) "It appears that the common council, with one or perhaps two exceptions, are of the Hereford same political party, and act together at the elections of Members of Parliament.

"The two dissident members were elected long ago. One of these persons having served the office of mayor, and being presented as a candidate for a vacant office of alderman, to which he was entitled according to the method of rotation, was rejected, the junior claimant

elected being of the political principles of the majority. One, if not two, instances had before occurred of the same deviation from the usual mode of appointment to the office of alderman under similar circumstances. No instance of such deviation has occurred where the party next in order of rotation has belonged to the political party of the majority.

"It appears also that the freemen by gift have always been elected from persons of the political party prevailing in the common council; and in case of those entitled to admission by birth, servitude or marriage, a general belief prevails that defects and irregularities attending their claim have been overlooked when the claimant belonged to one party, and insisted upon when he belonged to the other party. In justification of this belief, evidence of a general nature was offered to us, but no particular instances were adduced in proof." (p. 258.)

NEW RADNOR.

"In order to perpetuate this control, it has been necessary for the patron of the borough to fill the corporate offices with his own tenants and dependents. One consequence has been, that all the principal offices have been filled by incompetent persons. The magistrates (having, as will appear hereafter, exclusive jurisdiction over one-fifth of the county) have, with the exception of the recorder, been selected from a class of persons fitted neither by habit nor education to perform the functions of county magistrates. They have been generally farmers or tradesmen of the smaller class, engaged in daily business.

"Complaints, however, have not been confined to their incompetency. From the nature of their appointment, they have either had, or been suspected of having, a political bias, which has been a source of considerable dissatisfaction to persons of the opposite party." (p. 358.)

"Although the judges of this court are such as have been described, and the business is represented, by a friendly witness, as being 'feebly performed,' yet the process being simple, speedy and cheap, the court is greatly resorted to. It happens not unfrequently, that in debts much exceeding the limited amount, the plaintiff has foregone the excess in order to avail himself of the court for the recovery of the remaining 40 s. And the witnesses present stated it as the general opinion of the inhabitants of the borough (in which they concurred) that the amount recoverable in this court might be usefully increased to 5 l.; and many of them thought that a still further extension would be desirable." (p. 359.)

MONMOUTH.

(a) "The amount of the debt incurred, and of the annual rate and the insufficient mode in which the purposes of the Act have been executed, are subjects of much dissatisfaction and complaint.

"An additional cause of complaint arises from the mode in which the body of commissioners is constituted. All the powers of the Act are in fact vested in the common council of the borough; and it appeared from the statement of members of the common council and others, that with one exception the eight commissioners elected by the corporation have, for the last three years, beyond which we did not extend our researches, been of the same political party as the common council themselves." (p. 327.)

(a) "The mode in which this large income has been disbursed has given rise to great dissatisfaction, from the inadequacy of the objects effected to the money expended, from the many important objects which are wholly neglected, and the secrecy of the expenditure.

"Amongst the important objects neglected, it appears that the town is not lighted.

"It also appears that nuisances and obstructions are suffered to exist to an extent extremely inconvenient.

"In the case of Tenby, which chiefly depends for its prosperity upon its attractions as a watering-place, an evil of this nature is peculiarly injurious. In many very public places around the town accumulations of filth are suffered to remain, which are unsightly and unwholesome. The site of the new slaughter-house, now in the course of erection, has been injudiciously chosen, and the building seems likely to become a nuisance to the neighbourhood in which it stands.

"In this department of the local administration, a considerable reform is necessary.

"The gaol has been already described.

"The state of the poor-house is offensive, and has justly given rise to strong remonstrances.

"There is no hospital for the poor, or any similar establishment in the town.

"The corporation have established no school, nor are there any means of gratuitous or cheap instruction within the reach of the poor. An application was made to the corporation by some individuals not belonging to that body, for the grant of a portion of the waste for the purpose of erecting a national school; but the application was not acceded to, and the school has not been erected.

"There was formerly a Latin school in the town, to which the corporation paid 20 l. a year towards the education of four boys. This payment was discontinued in 1823." (p. 411.)

SOUTH WESTERN CIRCUIT.

(a) "The debt of the corporation has been incurred partly on account of the public improvements of the town, but principally by the building of the corn market and shambles, the obtaining the local Act for improving the town, the building of the new guildhall, a portion of the expense of building the new gaol and the maintenance of the quays of the harbour; all of which appear to have been prudent and necessary expenditures. A further and considerable portion of debt was incurred by resisting the passing of an Act introduced into Parliament, intituled 'An Act for the prevention of Bribery and Corruption in the Elections of Members of Parliament for the Borough of Barnstaple, in the County of Devon.' Gross bribery has commonly prevailed at elections for Members of Parliament for this borough. In the year 1826, after a contested election, an inquiry was instituted before a Committee of the House of Commons, who reported the existence of the corruption to the House. In compliance with that Report, the Act before referred to was introduced into Parliament; the Bill passed the House of Commons, but was thrown out in the Lords. The corporation opposed the passing of this Bill, and raised the funds necessary for this opposition by loan secured on the property of the town. No part of the funds of the corporation has ever been expended in contested elections. The corporation have been generally divided in opinion upon the merits of the candidates; they have not as a body therefore interfered." (p. 433.)

BARNSTAPLE.

"The corporation of this borough, by the self-election of the members, and the secrecy of their proceedings, have excited dissatisfaction, and have created distrust in the minds of the inhabitants. The administration of the public concerns of the town, though open to strong objection upon some points, has been on the whole conducted in a manner useful to the community. The violation of the wholesome provisions of the bye-law of 1690, in the letting of the public property; and the most improper appropriation of the corporate funds to the defence of a body of freemen who had been proved to be guilty of gross bribery and corruption, are instances of neglect and of violation of duty, to say the least of them, most strongly to be condemned. It was stated to us, that a very hostile feeling existed between the freemen and other inhabitants, in consequence of the 10*l.* householders having obtained the right of voting at elections of Members of Parliament. This distinction between the freemen and the inhabitants at large, whether regarded as to the payment of town dues or as to the right of voting at elections, is injurious to the trade and to the peace of the town." (p. 433.)

(b) "Formerly it was the practice to let the property for a term of 60 years absolute, with an understanding (though without any express covenant) that the lease should be renewed at the end of 30 years. About 20 years ago this plan of leasing was abandoned, and leases have been since granted for three lives, determinable in 99 years. During the time the present town clerk has been in office (a period of 27 years) the property let on lease has been sometimes let by public competition, sometimes by private contract. When property was let by private contract, a committee of the corporation, taking Innwood's Tables as their guide, fixed the rate at which the property should be let, giving the tenant the preference of the reversion at the price named. A surveyor is not consulted except on very special cases. Before the period already referred to, many leases were granted by the corporation without public competition, and sometimes they were granted to members of the corporation. Property having risen very considerably in value during the last 30 or 40 years in Barnstaple, we could not form any very accurate estimate of the sufficiency of the consideration paid for leases at that time; but a strong opinion seemed to prevail with some of the witnesses, that in a few cases the fine taken by the corporation and the rent reserved, were inadequate to the value of the premises granted." pp. 432, 433.)

"There is little to distinguish the borough of Bodmin from other boroughs which have been mainly sustained for the purpose of political corruption, except that the town has been better governed than other boroughs of the same character. The same system has prevailed. The corporation as a body became indebted to a nobleman; they also became indebted to him individually, as well for money as for places of honour or profit in the public service and in the church, obtained through the influence of the patron with the Government. When Lord de Dunstanville was disgusted with the importunity with which he was assailed for some church preferment by a member of the corporation, his Lordship declined longer to patronize the borough; but as the termination of his Lordship's connexion would have necessarily caused a demand to be made upon the corporation as a body, as well as upon many of its members individually, for the payment of the debts which had been incurred by them to the patron, it became expedient to seek another patron who would consent, in consideration of being allowed to recommend the members, to assume the obligations which had been contracted with Lord de Dunstanville. The patronage, in the first instance, was offered to Lord Grenville, by whom it was refused; it was finally taken by the Marquis of Hertford, by whom, in conjunction with Mr. Davies Gilbert, it was held until the passing of the Reform Bill. Since this event, the corporation, as well as some of the individual members, have been called upon to pay the money advanced by the patron. The mode in which the corporation have thought proper to pay this money is open to some observation; in order to obtain a legal sanction, they refused to pay until they were compelled by due course of law. One of their own body

BODMIN.

instituted proceedings against them, to which they at once submitted. The corporation have not satisfied the inhabitants in the direction of public affairs, or in the mode of electing the corporation; the members of which have been chosen frequently from the same family, and constantly with a view to select men who would attend to the conditions upon which the connexion between the patron and the corporation was founded; viz. that the patron should do all the service he could to the place, and that the corporation should attend to the recommendation of the patron in the elections of members to serve in Parliament for the borough. The deputy town clerk became the agent of the patron, and the interest was preserved as carefully as any property would have been by the agent.

"The inhabitants also feel aggrieved by the inclosure of the common lands, and by the secrecy with which the proceedings of the corporation have been conducted. The corporation have expended large sums of money in a manner beneficial to the town; they have paved the streets, and have sustained the public buildings; and the funds for the purpose, on the whole, have been well applied and prudently expended. The patron, independent of the debt of the corporation, and other pecuniary arrangements of a private nature, has, on the average, expended about 500 *l.* per annum on public purposes connected with the town." (p. 450.)

BRADNINCH.

(a) "Several complaints were made to us against the corporation, some of which were not without foundation. Having purchased a public-house within the borough, they granted licences themselves to the occupiers of this house; and upon another public-house becoming vacant, they refused to renew the licence. The latter house appears certainly not to have been in a proper state of repair, and some other objections were stated to the granting of the licence, but the circumstance that they were themselves the owners of a rival public-house, naturally induced a belief that they had acted from improper motives.

"A complaint was also made that a pathway, passing near the property of a member of the corporation, to a public well, had been stopped up. This had been regularly done by an order of two of the borough magistrates who had viewed the place. By the stopping up of the path the public are compelled to go from a quarter to half a mile round; and though in general there is a copious supply of water from other wells, yet in summer the additional labour of procuring the water from the well in question, appears to be a public inconvenience.

"It has sometimes happened that persons serving the office of overseers of the poor have been elected masters, and in one instance an overseer was chosen mayor, and continued to hold the two offices for upwards of three months, appointing a person to perform for him the duties of overseer. This union of incompatible characters does not seem to have been considered improper.

"The mode in which the revenue of the corporation has been expended is far from being unobjectionable. Out of an income of 64 *l.* 10s., the sum of 32 *l.* 10s. is expended in dinners." (p. 460.)

BRIDGWATER.

(a) "It has not been an unusual practice for the town clerk, although he acts as an officer of the court, to practise there in the name of some other attorney; and when the town clerk and his son were in partnership, it appeared that the writs had been issued in the name of the son on the partnership account. We did not find that in the instances proved before us the practice had been abused for any improper purpose, but it is obvious that the union of the two characters is highly objectionable." (p. 464.)

(b) "A list of persons qualified to serve both as overseers and waywardens is presented by the vestry and the outgoing overseers for the sanction of the magistrates of the borough, who have the right to select such officers. Much irritation has been occasioned in the town by the refusal of the magistrates to appoint the officers chosen by the parishioners. The exercise of this power is described as being exceedingly injurious to the interests of the inhabitants. In the month of September 1831, two waywardens were appointed, whose names did not appear in the list of 10 persons returned by the vote of parishioners in public vestry, in pursuance of the then general Highway Act. It appears from the year 1820 to the year 1828 the appointments of overseers were made by the justices from persons of all political parties. During that period there was a compromise between the political parties in the borough of Bridgwater, each party returning a member; but, in the language of a witness, 'in the year 1833 the borough was contested by two Reformers and a Tory, and in the following year four Tory overseers were appointed. In the year 1833, the parishioners recommended to the justices two overseers of each party, but the justices rejected the two Reformers and appointed two Tories; though one of the persons rejected was the largest rate-payer in the borough, and the other the keeper of the largest shop in the town, a person of high character and of wealth, and who has been 25 years in business in the borough.' This practice is described as leading to partiality in dealing on the part of the parish officers with men of a particular party in politics, as preventing an efficient control over the rates raised for the poor, and as also preventing the rate-payers from choosing those persons whom they would desire to be entrusted with parochial affairs. It appears that in the year 1828, in consequence of certain disputes respecting charges, a resolution was passed and entered in the vestry-book, that the town clerk should no longer be employed as solicitor to the parish; but as the justices choose the overseers, the latter have thought proper to disregard the vote of the vestry, and continue to employ the town clerk as the parish solicitor." (p. 465.)

(c) "The

(c) "The debt of the corporation amounts to 2,823 *l.* 8 *s.* 7 *d.* For several years it has been in a course of reduction; 20 years ago it amounted to 4,000 *l.* A considerable portion of it was occasioned by the defalcation of the receiver, who, for a series of years, received the revenues of the corporation, and paid but few of the claims on the corporate body. He was a member of the corporation. The corporation having neglected to fill up the vacancies in their body, a mandamus was obtained to compel them to do so. The result of this proceeding was, to place the affairs of the corporation in more competent hands. The receiver was called upon to deliver his books and accounts; he refused to do so, and a mandamus was applied for, to compel the delivery. The books were delivered, but no money was received. The accounts were in so imperfect a state, that neither receipts nor payments could be accurately ascertained, and the amount of the balance due to the corporation could not be exactly stated, but it formed a principal part of the debt. After the detection of the defalcation of the receiver, no steps were taken to remove him from the corporation, and he remained a member of that body until he died. 'The remainder of the debt was incurred fully half a century ago; why or for what purpose was not known.' After the proceedings in the Court of King's Bench had given the management of the corporate affairs to other persons, it was determined to pay off the debt, and the mayor, the bailiffs and the receiver relinquished their salaries. In the year 1818, about 2,000 *l.* were borrowed on mortgage of the tithes, and expended in the general purposes of the corporation." (p. 466.)

"Much complaint against the corporation was made before us, both as regards the interference of those members of the body who are magistrates with the choice of overseers, and also with regard to the conduct of the mayor and other officers at elections; but the substantial ground of the complaint was against the manner in which the corporation are elected, and the secrecy of their proceedings. As far as we could discover, the corporation appear of late years to have fairly performed their duty as to the public property, though they may not, and we believe do not, fairly represent the opinions of those over whom they preside. Previously to the passing of the Reform Bill, a considerable share of patronage was distributed among the members of the corporation and their connexions, but it does not appear that the corporation as a body ever interfered either to obtain or to distribute such patronage." (p. 467.)

(a) "Great dissatisfaction prevails amongst the inhabitants of Dartmouth, both with regard to the constitution and the conduct of the corporation. The predominating interest in municipal affairs, acquired by one family and exercised by them for so long a course of years, has naturally caused much jealousy and distrust. The consequence of this influence has been, not only the filling of offices in the corporation with the relations and connexions of the family in question, but the securing to them the political and pecuniary patronage of the borough. The mode in which the property of the corporation has been managed, and in which their accounts have been kept, shows that they have been very culpably negligent of their public duties. With property which under an able management would produce a considerable revenue, they have accomplished little or nothing for the general benefit and improvement of the town. Another source of dissatisfaction amongst the inhabitants, is the levying of town dues, an unequal and unjust exaction, as they contend, the freemen of the borough being exempt from the payment of the dues. The suspicions of the people of Dartmouth extend even to the administration of justice by the borough magistrates, and general charges of this nature were made before us. One particular instance also was mentioned. In a case of *The King against Gibbs*, the grand jury cut the bill, which was for an assault; the presiding magistrate declaring that he would have a jury who would find a bill, ordered another to be impannelled. A second grand jury was impannelled, and the bill was again presented, and again thrown out. A third jury was then impannelled, and found a true bill. The presiding magistrate was an attorney, and the partner of the town clerk. In answer to the statement made respecting this case, it was alleged by several members of the corporation, that they had no recollection of such a transaction having taken place, and it was added, that the magistrate in question was at that time suffering under a mental complaint.

"Another matter of dispute between the corporation and the inhabitants, was on occasion of the former, a few years since, soliciting an Act of Parliament authorizing them to put down buoys, and to take certain tolls. This Bill was opposed by the inhabitants, and ultimately abandoned, it being understood that the opposing party should bring forward a similar measure. No such measure, however, has been proceeded with, and the reason is alleged to be, that the parties were prevented by the opposition of the officers of the duchy, who acted at the suggestion of the corporation." (p. 483.)

(a) "The Commissioners appointed to investigate the state of Public Charities, have at great length reported on the state of the Charities of Exeter. The result of the inquiry of those Commissioners was, the fixing of the amount due from the corporation to the various charities of which they were trustees, amounting in the whole to 6,728 *l.* This sum it was agreed the corporation should repay by annual instalments. Since this agreement was entered into, the corporation have been called upon to pay into the Court of Chancery, on account of the charities which are now the subject of further inquiry, the sum of 8,654 *l.* They have also agreed to pay Sir Thomas Acland the sum of 2,000 *l.* for the balance due to him on account of the Church Stowe Charity. The corporation are unable, by reason of the calls thus made upon them, to fulfil the agreement before referred to, and their power

to repay the sum fixed by the Commissioners as the amount due to the charities, as well as the sum due to Sir Thomas Acland, will mainly depend upon the issue of the suits now pending in the Court of Chancery, upon which the corporation have been called upon to pay into court the sum of 8,654 *l.*" (p. 492.)

"The market was built by public contract. The repairs of the public works are not executed by contract.

"The works at the canal were not constructed by public contract, and the enormous expenditure on the improvement of the canal was the subject of much complaint on the part of some of the merchants of the city. It appears that the corporation, when they embarked in this work at first, only contemplated repairing the old canal; but they afterwards resolved on considerably extending the work. On the old canal the passage of vessels was frequently delayed for want of water, and no vessel drawing more than nine feet could conveniently approach the city. The canal has doubtless materially increased the facility of vessels reaching the city, and it has enabled vessels of a greater draught to enter the port at dead neap tides. In consequence of the alteration, the tolls have been materially increased upon many articles, and the charges bear a large proportion to the freight; sometimes as much as a fourth part of the freight on a coasting voyage. Whatever difference of opinion may exist as to the expediency of the alteration, there can be but one opinion as to the manner in which the work has been carried into execution. In the year 1819, an engineer was desired to survey the works for the purpose of repairing and improving them; and in consequence of a report then made by him, considerable alterations were made, and the locks, gates, &c. were put into complete repair. In 1824, the engineer made a further report, and recommended, for various reasons, the extension of the canal to a place called Turf, one mile and seven furlongs lower down the river than the lower sluices of the then existing canal. This report was submitted to Mr. Telford, and was confirmed by him. In May 1825, the work was commenced; but it does not appear that the corporation had either estimate or contract for the work done in 1824; nor was any estimate given for the work commenced in 1825 until the following year, when a further report, with an estimate for completing the canal with the bridge and basin, amounting to 45,391 *l.*, was delivered. In the year 1831, it was stated, that the further sum of 10,921 *l.* would be requisite to complete the canal without the bridge. This sum was supplied, and the corporation, without obtaining a further estimate, and without the precaution of having the work executed by public contracts, proceeded to supply the further funds demanded from them for this work, until they had expended on the works alone 95,500 *l.*, together with land purchased for the quay, 5,400 *l.*, and the incidental charges, 5,627 *l.*, amounting in all to 106,527 *l.* Under the new Act for making these alterations, the tolls have been much increased. The old canal, at the lower tolls, yielded a revenue of rather more than 4,000 *l.* per annum. Before the late Act, vessels passing the canal paid a duty of 5 *s.* 6 *d.* each, without reference to the burthen. Under the new Act, the corporation are empowered to levy 5 *s.* on all vessels using the canal locks or basins under 10 tons burthen; 6 *d.* per ton on all vessels above 10 tons and under 100 tons; and if the same be more than 110 tons, the sum of 9 *d.* per ton.

"The inhabitants of Topsham complain that the corporation of Exeter take quay dues at Topsham, and that they have not only not kept the quay at that place in good repair, but that the inhabitants, who have been obliged to erect wharfs and quays in consequence of the neglect of the corporation in this respect, are notwithstanding compelled to pay quay dues to the corporation, though they do not use the corporation quay. The corporation have it in contemplation to erect a new crane and to repair the quay. A serious complaint also of the negligence of the corporation respecting the river was made to us. In all cases where the right to the town dues has been questioned, the corporation are stated to have alleged the cleansing of the harbour as a consideration. At present they certainly neglect to perform this important duty—a duty rendered much more serious, both with regard to the necessity as well as to the expense of its performance, since the new canal has been constructed. It was stated by pilots, and other competent persons, that before the new canal was constructed vessels drawing 13 feet water could be brought alongside the quay at Topsham at spring tides, and vessels drawing 10 feet at neap tides. The tides in the Exe are much affected by the wind, the extreme difference between spring and neap tides varying from five feet to seven feet. At the lowest neap tides, vessels drawing 10 feet could formerly be taken over the shoals; and this could be done seven or eight years ago; but within the last eight years, the depth of water at Topsham has decreased 1 $\frac{1}{2}$ foot. Two years since, the steam-vessel *The William the Fourth*, drawing 10 $\frac{1}{2}$ to 11 feet, could be brought to the wharf just below Topsham quay; but this cannot now be done, by reason of the water having decreased 1 $\frac{1}{2}$ foot. The channel is filling up both in the sides and the centre. Since the embankment for the canal, which has enclosed a great space over which the tide formerly flowed, there is not nearly the same quantity of back-water; and probably some part of the evil has been occasioned by the confining of the water in the canal, which used to be let out by the lower sluice; the current was strong, and contributed to keep the channel clear. The bottom of the river is mud and gravel, which might be removed by dredging. The attention of the corporation has been called to the state of the river. In December 1832, an application was made to the corporation respecting the choking of the channel, which application was not answered until May 1833, when it was said that it would be taken into consideration. The proprietors of steam-boats trading between Topsham and London have expressed their willingness to meet the corporation in the way of contribution to the expense of cleansing the harbour. It may be conceived that the owners of vessels have a great interest in preserving the passage to the quay, when it is known that the

the expense of the voyage of a steam-boat, when she cannot approach the quay, is 8*l.* greater than when she lands her cargo at the quay. If something be not speedily done, the trade of Topsham will be very seriously injured; and the corporation will have to exact dues for quays which shipping cannot approach, and town's dues, in consideration of cleansing a port, one part of which is fast choking up. The engineer who constructed the canal denied that the embankment had anything to do with the obstructions in the navigation." (pp. 495, 496.)

"(b) The corporation of Exeter being self-elected, and conducting their affairs in private meetings, have not gained the confidence of the inhabitants. It is true there has been no appropriation of the funds of the corporation to the purposes of individual members of the body, nor has there been any partiality or unfairness in the letting or selling of their lands and houses, the members of the corporate body and the other inhabitants being precisely on the same footing in these respects. But the corporation have not administered the public property with prudence or discretion, whilst their misappropriation to corporate purposes of the funds for which they were trustees for charities, subjects them to serious reproach. With an ample income for public purposes, under an economical but liberal expenditure, sufficient for all the objects of a municipal government, they have been constantly increasing the corporate debt. The expenditure on the canal has been most improvident: a debt of more than 100,000 *l.* has been incurred on this account alone. Not only on the ground of having undertaken a work, the advantages attending which never were likely to be at all equal to the outlay, is the prudence of the corporation to be questioned, but the plan which they adopted in carrying that work into execution cannot be too strongly condemned. With an estimate amounting to less than half the actual expenditure, without public contracts, and therefore without competition, this enormous cost cannot have been under proper control. The neglect of the quay at Topsham, and the suffering the river to be gradually choking up, are also matters of well-founded complaint against the body.

"Judging from the evidence tendered by several persons interested in the trade of Exeter, we believe the payment of the town dues is felt to be a severe tax upon the non-freemen, and certainly the inhabitants of Topsham have much reason to complain, if not of the collection of the dues, yet of the neglect of the performance of those services which the corporation have frequently assigned as a reason for exacting them. It must, however, be admitted, in the present state of the corporate property, the members of the body have the power of doing very little. The income is almost entirely absorbed by the payment of the interest of the debt, and in the current expenses. For the misappropriation of the charity funds, the present members of the corporation are not accountable, and at this time the management of the charities appears to be very excellent; but the impropriety of contracting a vast share of the overwhelming debt of the corporation belongs to the present body. We cannot close this Report without stating, that every facility was afforded to us by the members and officers of the corporation; and we are individually indebted to them for the promptitude with which all our demands for information were met." (p. 498.)

(a) "Evidence was given to prove that the inhabitants had not implicit confidence in the impartial administration of justice. One case was particularly detailed to me. In the course of the last year or two, the mayor called upon one of the constables in the night, and directed him to arrest a person who had been guilty of forgery. In pursuance of this order, the person was arrested by the constable; he was taken into custody at six o'clock in the morning; he was carried to a public-house called the Turk's Head. The mayor was informed of the arrest of the prisoner in obedience to his orders; the person remained in custody of the constable at the public-house for two days; he was never brought before a magistrate, and was finally liberated by the order of a clerk in the bank, and a solicitor, without ever being examined before a magistrate from the time of his arrest to the time of his discharge. The inhabitants complain of the system of self-election, by which the corporation is chosen; and it appeared to me they were dissatisfied with the present municipal government, though much money has undoubtedly been expended by the recorder through the corporation in improving the town and repairing the streets." (p. 521.)

LAUNCESTON.

(a) "It is obvious that the property sold by the corporation for the payment of the debt could not be sold to advantage, and some of it could not be sold at all under the bye-laws 18 and 19. When the property was first offered for sale, the existence of the bye-laws 18 and 19 was known to the attornies of Liskeard; it was not stated to the persons assembled at the first sale that the title might be affected by those bye-laws. Two lots only were sold at the first sale, and one of them was purchased by a member of the corporation. Before the second sale, the legal adviser of the corporation took counsel's opinion respecting the bye-laws, and in consequence of advice received by him, the corporation proceeded to repeal the bye-laws 18 and 19. After these bye-laws were repealed another sale was advertised, but no communication was made at the time of the sale that the bye-laws had been abrogated. It was stated, as a strong objection to this concealment, that the attornies of Liskeard being aware of the existence of the 18th and 19th bye-laws, some of them were induced to advise their clients that the corporation had not power to sell the property in the manner proposed whilst those bye-laws were in force, and that the advice so given had a tendency to diminish competition at the sale. After a very laborious investigation, however, this consideration appeared to have affected only one or two lots, and, upon the whole, we are of opinion that but trifling loss was incurred by the concealment of the fact of the bye-laws having been repealed." (p. 528.)

LISKEARD.

(b) "Before the passing of the Reform Bill, the corporation of Liskeard, with the small body of freemen elected by them, had the right of returning Members to Parliament; and they appear to have considered their principal duty to have been the preservation of the political interest of the patron, who in return paid to them annually whatever sum of money they expended beyond the ordinary income. The municipal affairs have been so managed by the corporation as to occasion much distrust and suspicion concerning them. Their proceedings have been secret, their accounts have been irregularly kept, leases of their property have been granted for long terms of years, and the provisions of the charter and the ancient bye-laws have been violated. With funds which, if well applied, would have been sufficient for the good rule and government of the town, independent of the favour of the noble patron, they have neglected the municipal government. For the last 12 months they have not repaired the streets and roads, which are in many places dangerous. The gaol, as a place of confinement, is disgraceful to the country. The magistrates are only two, the recorder and the mayor; and these offices have been occasionally held by the same person, a connexion of the patron; so that but one magistrate for the borough has existed; and he not being always resident, the overseers have been put to inconvenience, and the administration of justice has been delayed. Since the connexion between the patron and the borough has been dissolved by the Reform Bill, the creditors of the corporation have become urgent for the payment of their debts, doubting the validity of the security. Whilst many most respectable persons have been resident in Liskeard, the corporation has been chosen only out of members of a certain political party; and this circumstance has occasioned much ill feeling. Having existed principally for political purposes, the corporation have not devoted themselves to the general welfare of the town; and as a necessary consequence of their neglect, they have not obtained the confidence and respect of the community over whom they preside." (p. 529.)

EAST LOOE.

"(a) The premises on lease have been let by private contract, and in many instances to members of the corporation, at small conventional rents. With regard to the real value of these premises, and the adequacy of the consideration for the leases, no evidence was given before me, though it was represented that the consideration had been in many cases very inadequate." (p. 535.)

OKEHAMPTON.

(a) "The patron allowed annual stipends to members of the corporation in one or two cases, from 50*l.* to 100*l.* per annum. The town clerk had an allowance from the patron of 52*l.* 10*s.* for several years. Besides these allowances, occasional sums were given, and members of the corporation became indebted to the patron on notes of hand. By such means an influence was exercised over the corporation, which led to injurious consequences to the inhabitants. The inhabitants of Okehampton have a right of common over certain lands, consisting of about 500 acres, from the first Monday after the 10th of October until Lady-day. These lands were the property of Mr. Saville; this gentleman desired to purchase the common right over these lands; the inhabitants refused his request, and 400 acres have been ploughed up. This act was presented by the grand jury, but no measures were taken by the corporation to preserve the right of the inhabitants. The corporation perambulate the common lands every year. Many of the inhabitants conceive the civil court might be revived, and its jurisdiction extended with great advantage to the town and neighbourhood. The constitution of the corporation and the management of the public property, are both the subject of complaint by the inhabitants." (p. 559.)

PENRYN.

(a) "By a deed of feoffment made in the year 1612, Thomas Lucky gave to Walter Hal-loman, Anthony Monday and others, a property called Park Helland, in trust for the inhabitants of Penryn, to whom the trustees were to account from time to time for the distribution of the property. The deed is not now in possession of the corporation, nor is it known where it is, though it was seen between the years 1794 and 1796, in the possession of the then town clerk. From an old account book of the corporation, in the year 1669 and 1679, the corporation appear at that time to have received the rents of this property; subsequently, the custom-house was built upon it; and in the year 1710, the corporation appear, from old accounts, to have received the rents of the custom-house. The rents derived from this property have been, undoubtedly, from these early periods applied to the general purposes of the corporation." (p. 565.)

(b) "The system by which the corporation are elected, and the secrecy with which their proceedings are conducted, together with their refusal to account for the distribution of the Park Helland property, to which the inhabitants deem themselves entitled, all contribute to create dissatisfaction in the public mind." (p. 566.)

PENZANCE.

(a) "The corporation of Penzance and the inhabitants at large are not upon good terms. A general opinion appears to prevail, that the very considerable funds of the corporation ought to be rendered more subservient to public purposes. Thus, about two years ago there was a public meeting held, for the purpose of considering the propriety of lighting the town by a rate. There was a full attendance of rate-payers, but they refused to come to any resolution on the subject, upon the ground that the corporation were bound to light the town at their own expense. An idea also prevailed that the quay dues were unnecessarily high, and in 1827 a petition was presented to the corporation, praying for a reduction; but as the duties are settled by the Act, and a reduction is there directed to be made only upon the

the debt being paid off, the corporation refused the prayer of the petition, a considerable portion of the debt remaining unpaid.

"Complaints were made with regard to the present state of the quay or pier, upon which the corporation do not appear to have bestowed due attention." (p. 575.)

(a) "There is an indefinite number of burgesses or freemen. The franchise is acquired in three ways: 1. By election; 2. By birth; 3. By servitude. With regard to the first, it is provided, by the Act of Incorporation, that the mayor and commonalty, for the public good of the borough, may have power from time to time to make and create burgesses of the same borough as often as they shall please. By prescription the eldest son of a freeman, if an inhabitant, is entitled to be admitted a freeman; and apprenticeship for seven years to a freeman inhabiting within the borough also confers the freedom. By a bye-law made in the year 1803 this right was confined to the first apprentice only, a regulation which has been the subject of much complaint amongst the working classes of the town. The franchise was also restricted by a bye-law made on the 29th of September 1807, by which persons entitled to be admitted freemen, and neglecting for the space of two years to apply to be admitted, are directed not to be admitted. These bye-laws will be again noticed in a subsequent part of this Report. PLYMOUTH.

"In the year 1831 it was thought expedient to add to the number of the burgesses, and the following plan was adopted: bye-laws were passed giving each of the existing burgesses a right to nominate two other persons to be burgesses, one of such persons to be the father, brother or son of the party nominating; and the other a householder within the borough, assessed, for the three preceding years, at the sum of 20*l.*; the latter person was also to contribute 20*l.* towards the erection of a new guildhall and prison. The fund arising from these contributions was to be vested in trustees. The qualification of 20*l.* assessment was afterwards reduced to 15*l.* Under these bye-laws about 220 new burgesses were admitted." (pp. 580, 581.)

"The state of the gaol has been the subject of much consideration with the corporation, and has attracted the attention of the grand jury of the borough. With the view of providing a fund for the purpose of building a new prison, the corporation, as already stated, imposed a fine upon the persons who had the freedom of the borough presented to them, in the manner before described. From this source a sum of 3,300 *l.* was obtained, and vested in the hands of trustees. There were, however, two objects to which this fund was applicable, viz. the building of a new guildhall as well as of a new gaol: the estimated expense of the former was 4,000 *l.*, of the latter 5,000 *l.*, exclusive of the land which the corporation proposed to grant gratuitously. As the sum raised for building amounted only to 3,300 *l.*, the corporation proposed to the trustees of the fund to postpone the erection of a new guildhall, and to apply the whole amount in building a new prison; but the freemen, who had contributed the money, objecting to this application of it, the trustees declined giving their consent, and no steps have been taken towards effecting this very desirable object." (pp. 584, 585.)

"Amongst the new bye-laws the two already referred to respecting the right to be admitted a burgess, have occasioned much discussion, and been the subject of great dissatisfaction to many of the inhabitants of the borough. The bye-law of 27th May 1803, confining the freedom by apprenticeship to the first apprentice of a freeman, has been always acted upon since that time. Claims have, however, been frequently made by parties excluded by the operation of this law, to be admitted to their freedom; but the corporation have uniformly rejected them. There are at present about 35 apprentices who have made this claim. The corporation consider the operation of the bye-law to be beneficial; but it may be doubted whether the dissatisfaction which it creates in a large class of the community is counterbalanced by any adequate benefit. The bye-law by which persons not claiming their freedom within two years, are excluded, was made on the 29th of September 1807, and has been acted upon since that time, but, like the former restrictive regulation, this also has occasioned some discontent. The operation of the two laws has been to reduce the number of freemen belonging to the working classes, and to give additional influence to the wealthier part of the community." (pp. 585, 586.)

(b) "What the number of public conduits originally was is uncertain; they are believed, at one period to have been 20; and nearly that number are stated to have existed in the memory of living witnesses. Between 1790 and 1825 many of these conduits were taken away by the directions of the corporation; and in 1826 only six remained. The supply of water from them was often precarious; but they afforded to the poor a cheap and easy means of procuring an article of the highest necessity. The poorer classes resorted to them in great numbers; and they were frequently used for the purpose of cleansing fish, offal, &c., so that they were rendered nuisances to the neighbourhood. There were likewise frequent contentions with regard to the turn for taking the water; and disturbances were sometimes the consequence. The corporation therefore determined, in the year 1826, to take away the remaining conduits, a proceeding which caused very great dissatisfaction in the town. In 1831 an application was made, on behalf of the inhabitants, to the Court of King's Bench for a mandamus to the corporation; but the rule was discharged on the ground that the regular mode of establishing the right was by indictment.

"The corporation justify the closing of the conduits, by alleging their right of property in the stream and water acquired under the Act of Elizabeth, and their agreement with Sir F. Drake, and evidenced by continued acts of ownership. With regard to the convenience of the inhabitants, they state that they have essentially consulted it in the alterations made

by them, which have enabled them to supply 129 instead of 23 streets, and to furnish the town not only with a more regular supply of water for ordinary purposes, but also in cases of accidental fires. They allege that, taking into consideration the great convenience enjoyed, the sum of 16s. per annum is not an extravagant charge; and that where the occupiers of houses supplied are poor, an abatement is made from that amount.

"The parties interested in the gratuitous distribution of the water insist upon the right which by a long and uninterrupted usage, they have acquired of procuring the water from the public conduits. They maintain that, in constructing the leat and the other works, the corporation were merely trustees for the public, and that they have no right to deprive the poorer classes of a necessary of life for the purpose of affording greater accommodation to the wealthier inhabitants of the town.

"With regard to the legality of removing the public conduits, in doing which the corporation have acted under the authority of legal advice, as the subject will probably become a matter of litigation, we have not ventured to express any opinion; but we think that the corporation are justified in the measures they have taken by the great conveniences which they have insured to the public at large. It would indeed have been desirable that some scale of charges should have been framed, so as to render the rate less burthensome to the poorer class of inhabitants; but this object is partially effected by an abatement of the water rent in particular instances." (pp. 591, 592.)

"After supplying the Government and the town from the reservoirs above mentioned, the surplus water is used for the purpose of working several mills, the property of the corporation. This circumstance was made a ground of complaint on behalf of the inhabitants, it being alleged that the surplus water ought not to be thus used, until after the public conduits had been supplied.

"The income derived by the corporation from the leat is about 2,000 *l.* per annum. The net profit, however, is inconsiderable, owing to the great expense incurred in the water-works. Between the years 1825 and 1833, a sum of 20,816 *l.* 10s. 7*d.* was expended in improving these works; and upon 18,000 *l.* of this sum the corporation are now paying interest. The annual expenditure of the works is as follows:

	£.	s.	d.
Interest on 18,000 <i>l.</i>	900	—	—
Rates and taxes	144	10	—
Salaries	204	7	—
Repairs	227	2	3
	£.	1,475	19 3

(c) "The patronage of the churches of St. Andrew and of Charles is vested in the corporation. Till within the last 15 years that body presented the vicars themselves; but about the year 1818, in consequence of the embarrassed state of their finances, they were induced to advertise the next presentation of both the churches for sale by public tender. The incumbents being persons of considerable age, a large sum of money was received from the sale; viz. 4,000 *l.* for the presentation to St. Andrew's, and 2,050 *l.* for the presentation to Charles. The vicar of Charles having died suddenly, the corporation lost the opportunity of again disposing of the next presentation to that church, and the present vicar was appointed by them. Since that time the presentation to both the churches has been again offered to sale. Previously to the year 1824 it appears that there had been no church-rate imposed in either of the parishes, but that the corporation had been accustomed to defray the expense. At the time of the sale of the presentations considerable repairs were required; but no part of the funds received from that source by the corporation (except an inconsiderable sum (23 *l.*) for repairing the ornaments over their seats in the church of St. Andrew) was expended in repairs. It therefore became necessary to provide other funds, and a church-rate of 3*d.* in the pound was imposed upon the inhabitants of both parishes. The 6,050 *l.* was carried to the general account of the corporation, and was principally employed in defraying a portion of the debt contracted by the erection of the theatre and hotel mentioned in a subsequent part of this Report." (p. 586.)

"The property upon lease at rack-rent consists principally of the Royal Hotel and the theatre adjoining, and of certain mills situated upon the leat or stream which supplies the town with water. The two former buildings, which together form a very handsome structure, were commenced in 1811, and the estimated cost was about 26,000 *l.* Before they were completed, however, the corporation had incurred an expense of 50,000 *l.* This speculation, which has contributed greatly to the advantage of the town, has in a pecuniary point of view been a very unfortunate one for the corporation. The theatre produces a very small return, being only casually let.

"A short time since some very valuable reversions fell in, and produced in one year about 500 *l.* During the last 10 years the corporation have disposed of much of their reversionary property, for the purpose of relieving themselves from their debt. The property was sold by public auction, under the direction of the land committee, sanctioned by the general committee, and about 10,000 *l.* was thus raised." (p. 590.)

(d) "The constitution and character of the corporation of Plymouth are very superior to those of the other municipal bodies in the west of England. It affords the only instance that occurred to us, in the course of our inquiries, of a corporation framed and acting upon popular principles. Not only are the mayor and aldermen elected by the commonalty, but the

the management of all the corporate affairs has, in fact, since the year 1803, been in the hands of the freemen at large. This power has been exercised by them with much prudence and discretion, by the appointment of a committee of 21 of their number, by whom all the business of the corporation is conducted. This body, dividing itself into sub-committees, appears to form an excellent board of management, and to conduct the affairs of the corporation with diligence, zeal and integrity. The popular election of its members not merely prevents the admission of persons adverse to the public interests, but inspires a feeling of good will towards the municipal authorities, on the part of the inhabitants at large, seldom found to exist in corporations where the government is vested in a select body. The important question of the right to the public conduits, has indeed, in some degree, disturbed the harmony which subsisted between the corporation and the inhabitants of Plymouth.

"The committee of 21 have not, in the management of the financial affairs of the corporation, acted with that caution and discretion which might have been expected from them. The improvident speculations entered into by them in the erection of the Royal Hotel, and the theatre adjoining, the expense of which far exceeded the sum originally proposed to be laid out, brought the corporation into considerable difficulties, from which they are not yet extricated, and from which it must be long before they can be free. It is true that the town has benefited greatly by those improvements; but the corporation have disabled themselves from executing other works of far more importance. On account of the want of funds, it is found impossible to erect a new gaol, which has been long required, and which certainly ought to have been constructed before the funds of the corporation were devoted to what may be considered as a mere mercantile speculation.

"One consequence of the difficulties into which this unfortunate expenditure of their revenue plunged the corporation was, that it compelled them to make sale of the next presentation to the churches of St. Andrew and Charles, and to apply the proceeds towards the reduction of the debt which they had incurred. No part of this money was expended upon the churches themselves, which required repairs; and it consequently became necessary to impose a church-rate, a measure of course very unpopular amongst the inhabitants. It seems also to have been the opinion of many persons, that the sale of the next presentation was in itself, and without reference to the application of the monies arising from it, an improper act on the part of the corporation; that they stood in the situation of trustees for the public, charged with the duty of providing the churches with proper ministers; and that it was a breach of that duty in them to transfer the right to others.

"The connexion of the corporation with the management of the poor appears, under the present system, to be undesirable. Although we could not trace the existence of any improper conduct, on the part of those members of the corporate body who are *ex officio* guardians of the poor, yet a strong feeling seemed to prevail, on the part of the inhabitants, with regard to the impropriety of their acting in that character.

"The restrictive bye-laws of 1803 and 1807, by which the number of the burgesses has been much lessened, are very unpopular amongst the class of persons who are affected by them. Notwithstanding these various grounds of complaint, on the part of the inhabitants, the corporation deservedly enjoy a great share of popular confidence. To us it appeared that the corporation desired to promote inquiry into all the municipal affairs; and the officers evinced the utmost ability, zeal and promptitude in answering all our questions. We have not visited any corporation in the west of England so well managed, in all respects, as the corporation of Plymouth, which we attribute to the efficient control exercised by the public over the elections of members of that body, and to the publicity which is given to all their proceedings." (pp. 595, 596.)

(e) "Contests for corporate offices have been frequent. The mayoralty has been contested with great spirit, and out-voters have been brought. According to the common rumour, treating has prevailed on these occasions; but no evidence was given before us of that fact." (p. 580.)

(a) "The entire power being vested in the aldermen, who not only fill up the vacancies in their own body, but have the sole election of the freemen, the corporation has been rendered wholly subservient to political purposes, and appears to have long lost every characteristic which ought to have distinguished it as a municipal body. The chief magistrate of the town has been either the patron of the borough, or a person selected for an adherence to his interests, and the recorder has been appointed for the same object; while the burgesses, instead of being chosen from the substantial inhabitants of the town, who have an interest in its prosperity, have been taken from amongst gentlemen of the neighbouring counties, unconnected with the town, but attached to the interests of the patron. SALTASH.

"The consequence has been, that the government of the corporation in every department has been essentially bad. The magistrates have been persons ill qualified to fill an office of so much importance, even when their residence in the town afforded them an opportunity of performing their duties. In the exercise of those duties they have been negligent and inefficient, and the police of the town is consequently in a very discreditable state. The frequent disorders which occur in the streets, and the petty depredations which are suffered to pass unpunished, are causes of just complaint amongst the inhabitants. The state of the gaol in particular is an opprobrium to the borough, actually being, to use the language of one of the witnesses, 'unfit for a hog-sty.' Hence has proceeded the gross irregularity of suffering the prisoners to go at large, a practice, however, absolutely necessary for the preservation of their health. That a system like this is suffered to continue reflects great

discredit upon the magistrates of the borough. In various other instances their conduct appears to have been reprehensible, and it is evident that they have in great measure lost that respect which ought to attend their offices.

"Several instances of misconduct on the part of the magistrates were brought before us. A man named Pulham being charged with an assault, was sentenced to be imprisoned two hours, and to find sureties for his appearance at the sessions, which he did. The parties failed to appear, upon which the recognizances were estreated without the proper notice having been given, and the money paid by two of the parties, and levied by distress on the third. Upon an application to Government the monies were ordered to be returned, but only about two-thirds had actually been returned.

"The revenues of Saltash have been always more than equal to the expenditure, and for many years there must have been a large surplus. There are no regular account books, nor have the accounts ever been audited until the year 1832; for many years even members of the corporation have not been made acquainted with them. The whole management seems to have rested with the receiver, who has evidently been chosen without reference to any of the qualities which it is desirable such person should possess; and with the mortgagee. Last year it was deemed proper to arrange the accounts of the corporation, and the accounts of Mr. Toby were then submitted for the first time to the corporation, and were allowed. The revenue has been always much greater than the legal expenditure, yet in the year 1812 the corporation cut down the elm trees in the churchyard, and sold them for 130*l*.

"The debt has been, in our opinion, most improperly contracted, and we also think the revenues have been squandered or misapplied. The municipal system has apparently had but one chief object, and that has been to perpetuate the influence of the patron or patrons; whilst the comfort, convenience and protection of the inhabitants have been grossly neglected.

"We earnestly recommend further inquiry into the mortgage, and if possible that the payment of the 4,758*l*., the produce of the sale of the ferry, should not be made to the authorities of Saltash until the inquiry shall have been satisfactorily terminated." (pp. 609, 610.)

SOUTHMOLTON.

(a) "The practice which prevails of electing only those persons employed in professions as members of the corporation, and thus excluding the great body of the native inhabitants from any share in the municipal government, is very unsatisfactory to the people. The mode in which the corporation are elected, and the want of publicity respecting the expenditure of the funds, also occasions dissatisfaction. The inhabitants conceive that they have a right to be consulted as to the distribution of Cope's property, and that the revenues arising from this property should be applied to other purposes than to those on which they are now expended. Some complaints were made as to the partiality of the magistrates in granting licences, and as to the expenditure on dinners given by the corporation." (p. 616.)

ST. IVES.

(a) "The aldermen of the borough constitute the ancient select vestry; and direct the parochial affairs to the exclusion of the inhabitants. The poor-rates are about 2*s*. in the pound on the rack rent. There are four overseers of the poor. The accounts of the general parochial expenditure are not read in public vestry, though the payments made to the poor are posted every week on the doors of the church.

"The overseers have not made the assessment in a fair and impartial manner, the property of the corporation being rated much lower than the other property of the borough, both to the poor and to the church rate. It appears that shortly before the last election, a list containing the names of about 100 persons who had not been previously rated to the poor, was handed to the present town clerk, who was then churchwarden, and a demand was made to have the names inserted on the rate. They were the names of parties who had not been previously rated, and in the opinion of that gentleman, many of the names in the list ought not to have been on the rate. The list was delivered by persons claiming to have them rated, and the churchwarden placed them on the rate. He suspected at the time that the list came from the partisan of a candidate for the representation of the borough. When the parties so placed on the rate were assessed, the rate was a sixpenny rate, but afterwards the rate was reduced to 2*d*. and 3*d*., by which means the persons so placed on the rate were enabled to retain the right of voting. It was stated that a majority of the persons thus placed on the rate were the tenantry of Mr. Halse, the deputy recorder, an alderman of the borough, one of the select vestry, and at the time of the alteration in the rate a candidate for the representation of the borough in Parliament." (p. 620.)

(b) "The grand jurors are selected from among the more respectable inhabitants, by the town clerk, who occasionally consults the mayor. The foreman is always the first name on the list of those who attend. The petty jurors are summoned by precept from the mayor; they are selected by the town clerk, who occasionally consults the mayor respecting them. The petty jurors are also from the inhabitants. Up to the year 1830 the mode of selecting juries seems to have given public satisfaction, but about the period of the general election in that year, a great change was made in the grand jury. It was alleged that at this period 21 names out of 24 of which the jury was composed, were struck off the list by the then mayor, and that their places were filled by the adherents and tenantry of a member of the corporation, who was a candidate for the representation of the borough. The jury list has not been preserved from that period, nor does any list of the grand jury exist

exist previous to 1830. The mayor for the year 1830 admitted the alteration, but denied that he was influenced in his conduct by political or party motives." (p. 620.)

(c) "The present mode of electing the corporation is unsatisfactory to the public. Out of the twelve persons at present constituting the capital and inferior burgesses, seven persons are related or connected by marriage. The connexion thus subsisting gives the control of the municipal and parochial affairs to one family. The management of the parochial affairs has been partial as to the assessments to the poor and church rates, and there is reason to believe it has also been made subservient to electioneering purposes. Strong recommendations were made respecting the propriety of a complete and efficient alteration in the management of the municipal and parochial affairs. The inhabitants desire to obtain this alteration, by having the right of voting for municipal and parochial officers given to them." (p. 622.)

(a) "When the Commissioners for investigating the state of Public Charities visited TIVERTON, they recommended that certain monies appropriated to charitable purposes, called the overplus money, should be distributed to the poor publicly in the town hall, and that a register should be kept of the names of the person to whom the money is paid. This money is, however, still privately distributed by members of the corporation." (p. 628.)

(b) "In addition to the ordinary revenues of the corporation, they for a series of years received sums of money from individuals who had been appointed through their influence to the lucrative situation of receivers-general for districts of the county of Devon. A copy of a letter in the hand-writing of Mr. Bevis Wood, a late town clerk, was produced to us; we subjoin it.

"Dear Sir,

Tiverton, 30th January 1801.

"It being the wish of Sir John Duntze, bart., to be appointed Receiver-general of the district of the county of Devon, for which the late Richard Rose Drewe, esq., deceased, was appointed, and which is now vacant by his death, We whose names are hereto subscribed, do request you to use your interest, and endeavour to procure such appointment for Sir John Duntze; and in so doing, you will particularly oblige,

"Dear Sir,

"Your most obedient humble servants.

"P. S.—You will be pleased to remember, that this our recommendation of Sir John Duntze is on this condition, that he resides and keeps his office in the town of Tiverton, and that he agrees to make an annual allowance to the Corporation of Tiverton of the sum of twenty pounds for every shilling in the pound land-tax, which now amounts to eighty pounds yearly."

(Also signed by the same parties.)

"The copy of the letter has no address; but such a letter was sent to Lord Harrowby, then Mr. Ryder, and Sir John Duntze was appointed, and regularly paid the corporation the stipulated sum of 80 *l.* per annum from the period of his appointment until the emoluments of receiver-general were stated to have been reduced in consequence of a motion made by Mr. Hume about the year 1821. The late town clerk, Mr. J. Wood, said that Lord Harrowby was not a party to the condition attached to the recommendation of Sir John Duntze. On an inspection of a small account-book in the possession of the corporation, purporting to contain an account of the revenue, it appeared that the allowance made by Sir John Duntze was not the only one which the corporation received. On the first page of the book there is an entry in these words: "Received from D — H —, esq., £. 72. 10. 0." This sum was paid to the corporation annually by Mr. Hamilton, who was receiver-general of another district in the county of Devon. The extraordinary nature of these arrangements induced us to institute a strict inquiry as to this portion of the corporate revenues. We found that very numerous appointments in the church as well as in various departments of the public service had been obtained by members of the corporation, and by their friends and connexions; but it did not appear that the corporation derived any direct pecuniary benefit from any appointments so obtained, except in the cases of Sir John Duntze and Mr. Hamilton. It must, however, be stated, that from the very negligent manner in which the accounts of the corporation have been kept, it was impossible to obtain any accurate or satisfactory knowledge of the receipts or expenditure for very many years. Up to the year 1823, the corporation exacted a tax of 2 *d.* per bushel on all malt ground within the liberty of Tiverton. This exaction formerly produced about 80 *l.* per annum; but in 1823 the publicans (acting under the advice of a spirited and intelligent inhabitant of Tiverton) refused to pay the demand: the corporation did not proceed to enforce payment, and from that period the revenue from this source ceased." (pp. 628, 629.)

(c) "The main object of the corporation of Tiverton, previous to the passing of the Reform Bill, was to preserve the political interest of the patron of the borough; and thus to obtain either direct pecuniary gain from the appointments procured by the recorder from the Government, as in the case of Sir John Duntze, or from the more indirect, but not less valuable, public patronage bestowed on the members of the corporation and their relatives and connexions through the influence of the late noble recorder.

"Possessing exclusively the right of electing Members of Parliament, the corporation thus

thus found the means of obtaining many valuable situations, not only in the public service, but also in the church. For a considerable period several clergymen were members of the corporation, and some of them obtained valuable church preferment. Mr. Coles, the intelligent inhabitant of Tiverton, before alluded to, thought that it was not fitting for clergymen to be members of a corporation; and he stated that he had written to the Archbishop of Canterbury, as well as to the Bishops of Exeter, Bath and Wells, Peterborough, Winchester, Gloucester and Bristol, upon the question, and that from these prelates he had received letters in which their lordships expressed their disapproval of the practice of electing clergymen members of corporations. In no place we have visited do the pernicious effects arising from the connexion between a corporation having the right to return Members of Parliament, and an influential nobleman as patron of the borough, appear to be more clearly displayed than in the borough of Tiverton. The management of the public affairs by the corporation has neither deserved nor obtained for them the confidence of the inhabitants." (p. 630.)

TORRINGTON.

(a) "Since the Report of the Charity Commissioners there has been no change in the management of the town lands, unless it be for the worse. This has been owing to the want of a regular steward and treasurer, that officer having been appointed annually, and, in some instances, neglecting the duties of his office. Though the salary is small, the appointment has been considered a sort of perquisite, and the receiver of one year has been displaced merely to make way for another. The management of the property by the feoffees, also, has not been prudent. In order to meet an expenditure too large for their ordinary revenue, they have been in the habit of taking large fines on the renewal of leases; but a resolution has been lately entered into, that in future the fields which are on lease shall not, on the falling in of the leases, be let in this manner. The receipt of considerable sums of money, obtained by fines, appears to have encouraged the feoffees in making a too liberal expenditure of their funds. They also appear to have been guilty of neglect in suffering the houses and buildings upon the property to remain in a state of dilapidation.

"Another circumstance which has greatly contributed to prevent this property from being managed in the most advantageous manner is, that the greater and more valuable portions of the lands are held by members of the corporation, to whom they have been granted through the influence of those parties with the feoffees. There was no evidence to show that in these instances an adequate consideration had not been given, but on the contrary it was stated that the leases had been fairly granted; the general practice being, that on the falling in of property, the letting was by public auction, unless where the former tenant accepted a renewed lease. Many of the feoffees themselves also possess parts of the town lands. These circumstances necessarily create interests incompatible with the good management of the property.

"The expenditure of the corporation does not appear to be well regulated. In the first instance, the ordinary expenses of salaries, &c., are paid out of the rents of the town lands, and the greater part of the remaining funds has been bestowed upon the church. The tower and spire requiring repair, the corporation have contributed an undue proportion of their funds to that object. Out of a revenue averaging only 470 *l.* a year, they bestowed upon the church, in the year 1830, the sum of 262 *l.* 1 *s.* 4 *d.*, and in the following year the sum of 390 *l.* 9 *s.* 6 *d.* In the course of the four years ending 1832, the sum of 1,039 *l.* 13 *s.* 11 *d.* was applied to this purpose. During the same period, and, indeed, during the last seven years, the sum bestowed upon the poor has been 80 *l.*

"The accounts for the year 1833 were not made up when I visited Torrington; but it was stated that there would probably be a considerable balance due to the receiver by the town, if the churchwardens' accounts for Easter were discharged. From the present state of the funds, it will be impossible for the corporation, for many years, to appropriate any sums of money towards the improvement of the town or the support of the poor.

"The accounts of the receiver are annually audited before the feoffees and the corporation." (pp. 636, 637.)

TOTNES.

(a) "For many years the borough was under the protection of a patron. The patronage was in the Bolton family, and Lord Darlington and Lord Sandwich were returned upon that interest. This system is stated to have ceased at the general election in 1812, when those noblemen were thrown out. During its continuance the influence of the patron was exercised through the corporation. The late Mr. Adams was in trade, he became a contractor when Mr. Pitt was Prime Minister, and, being a native of the borough, he acquired considerable influence, and eventually became one of the patrons. He died in the year 1811. The patronage of the borough was, as usual, conferred on the friends of the patron, but the corporation, as a body, did not recommend individuals to the patron. The living of Totnes, which is in the gift of the Chancellor, has usually been conferred on some person connected with the corporation. For many years Mr. T. P. Courtenay represented the borough, up to the period of the passing of the Reform Bill; and, since his connexion with the town, several members of the corporation have obtained the situation of a writer in India for their sons.

"Totnes was visited by the Charity Commissioners, who have reported upon all the charities in which the corporation are trustees. The commissioners recommended certain alterations with regard to the management of some portion of the trust property, the greater

greater part of which have been carried into effect. Some almshouses have been rebuilt in consequence of this recommendation. The site of the old almshouses was set apart to defray the expense of the rebuilding, but that expense has not yet been defrayed. The monies now received by the corporation from charitable trusts are annually expended amongst the poor.

"In consequence of the misapplication of certain charity funds, a bill in Chancery was filed against the corporation, and a sum of 302 *l.* was ordered to be paid into court by them, to the credit of Martin's charity, together with interest at five per cent., from the 25th September 1823. In liquidation, also, of certain debts due from the corporation to other charities, of which that body were trustees, the Vice-Chancellor has directed them to pay annually the sum of 197 *l.* 5 *s.*, being three-sevenths of 460 *l.* 10 *s.*, the surveyor's valuation of certain lands, subject to charitable trusts. These sums are to be added to the other debts due from the corporation." (p. 643.)

(a) "We have not visited any town in which so much difference of opinion exists between the inhabitants and the corporation as in the town of Truro. Much of the distrust, no doubt, arises from the secret manner in which the proceedings of the corporation are conducted, and also from the manner in which the body itself is elected. To a certain extent, the result of our investigation proves that the inhabitants are right. For many years the funds of the corporation were very badly managed, and losses to a considerable extent were sustained, by the negligence of the body in not auditing the accounts, and thus giving ample opportunities for fraud on the part of the late receiver. The misapplication of the charitable funds, also, proves that the conduct of the corporation has not been calculated to insure the public confidence. The negligence of the corporation in respect to the channel of the port is also matter of well-founded complaint on the part of the merchants and traders of Truro. Many persons of respectability openly expressed the utmost dissatisfaction with the corporation, and earnestly endeavoured to impress upon our minds the necessity for a change in the system upon which the corporation are at present elected. We fully concur in the opinion so expressed." (pp. 661, 662.)

TRURO.

SOUTH EASTERN CIRCUIT.

(a) "Considerable discussion has lately taken place in the town respecting the contribution to the church rate, and much angry feeling has been excited between the corporation and some of the inhabitants on this subject. The question is, whether or not the corporation have immemorially paid, and are liable to pay, half the church rate. Upon my entering upon this subject with the corporation, the senior burgess interposed, and protested against any information upon it being given to me, and also against my seeing the entries in the corporation book relating to the church rate, and stated that, if the subject were continued, he should vote for closing the book altogether. The other members present concurred in this, on the ground that the question of the liability of the corporation would probably be made the subject of legal proceedings, and that they ought not to be called upon to furnish evidence against themselves. I therefore obtained no information from them or their books on the subject. I was afterwards informed by some of the inhabitants, that, from as far back as could be ascertained down to the year 1822, the corporation had always paid half the rate. This payment, however, seems to have been the composition, not only for the public property of the corporation, but for the private property of each member of it. Some of the inhabitants denied this, but they appeared to be unwilling to assist me in investigating the truth, from the fear of furnishing evidence or making admissions, which might be prejudicial to the interests of the inhabitants. It seemed to be understood that, if the private property of the burgesses were exonerated by this composition, the custom would not be considered good in law. One of the church-rate books was shown to me, the earliest entry of which is dated 1725, and is as follows:—'Disbursements by ——— churchwardens for the borough of Arundel for the years 1725 and 1726, as appears by account aforesaid, half of which belongeth to the mayor and burgesses to pay, and the other half to the inhabitants not being of the corporation.' In almost all entries of succeeding years, the aggregate expenditure is divided by two, but the object for so doing is not mentioned. It was stated that one of the churchwardens used always to be elected from the corporation." (pp. 672, 673.)

ARUNDEL.

"Evidence was adduced to prove that the Burgesses' Brooks originally belonged to the inhabitants generally, and that they had enjoyed, at all events, a right of common upon them within the time of living memory. Considerable research had been made by a gentleman, who attended at part of the inquiry, as to the history of this property and the original grant of it to the burgesses. The subject, however, is involved in some obscurity, and the freehold has been in the burgesses so long, that it seemed to be useless to prosecute this part of the inquiry any further. With respect to the right of common, the evidence was more definite, but it did not go far enough to prove the right set up. It amounted only to this: that before the inclosure of the land, which is more than 50 years ago, many of the inhabitants used to turn out their horses, on paying a small sum to the corporation; that at this time a great portion of the land was almost worthless, but such as was worth cultivation was fenced off by the corporation, who took the crops from it; that there was an

officer appointed by the corporation, called the Brook Warden. It was not known how much stock any one was authorized to turn out, but the day of turning out was said to be the 1st of May. Many years ago it was customary for the corporation to give a dinner, on the mayor's election day, to all who had a right to vote at the election; this was afterwards commuted for 2s. to each person: the practice has long been discontinued. An attempt was made to connect this custom with the right of common, to lead to an inference that, on the inclosure of the Brooks, the dinner was given as a compensation to the inhabitants for the loss of their privilege, but the evidence was not sufficient to establish this. The following extract from an ancient Terrier, of the date of 1663, shows that the corporation had not the exclusive enjoyment of the land:—"Item, our minister hath the keeping of six kine in the Brooks, called the Burgess' Brooks, every year." On the other hand, the burgesses referred me to a memorandum in one of their books, dated 2d May 1636, setting out an order by the mayor and burgesses, 'that the Brooks shall be laid this present year with no other cattles than the said mayor and burgesses' own cattles, and if any of them shall not think fit to lay it with their own, they shall let it to the rest of the company at reasonable rates.'

"The corporation have two small houses, let on leases of 99 years, at nominal rents of 2s. 6d. each. One lease has 40 or 50 years to run, the other nearly 80. Fines were taken on both of them; that on the lease last granted was 210*l.* The site of what was once the pest-house is let on lease for 99 years at a rent of 2s. 6d." (pp. 673, 674.)

CANTERBURY.

(a) "The principal ground for the discontent was the heavy charge laid upon the county rate for the erection of a new gaol. The broad ground of objection made on behalf of the rate-payers was, that the corporation were bound to erect and maintain such gaol, as is necessary for the city, out of their own funds. It did not appear to be necessary, even if the nature of the inquiry had allowed sufficient time, to enter upon all the arguments relied upon by the rate-payers to prove this obligation. Great research upon the subject had taken place. A few of the principal grounds of argument will be mentioned," &c. (p. 703.)

"Complaints were then made of the system, which had been pursued in the employment of tradespeople, both in the building of the gaol and in the general business of the city. An invitation, by advertisement, was given to persons to send in tenders for building the gaol according to the plans made. Seven or eight were sent in, and the lowest was accepted. Notice was given to the person, whose tender was accepted, to provide sureties pursuant to the previous advertisement. The sureties he offered were rejected, on the ground, as the justices stated, that they were both of them tradesmen, whom their principal intended to employ in different parts of the work. There seems to be no weight in this reason, for the contingent liability of these two tradesmen would be likely to ensure the proper performance of their own work at least, so that the very ground of objection appears to offer an additional guarantee to the magistrates. No other sureties were offered by him. An intimation was then given to two of the tenderers, who lived in the neighbourhood, that they might send in fresh tenders; this was done, and the lowest of these was taken. No option was given to the person rejected, or to two persons, living at some distance, who had previously sent in tenders, to send in others. The person, whose tender was accepted the second time, was a member of the common council. Several persons expressed their belief, that the justices had acted from improper motives of favouritism to the members of the corporation. Neither the tradesman rejected, nor the persons whom he offered as his sureties, were members of the governing body; and the suspicion expressed was, that his intention of not employing corporation tradespeople was the reason of his tender being rejected. One of the persons eventually employed, of the same trade as one of these sureties, was a common councilman; another person employed, of the same trade as the other surety, was a nephew of the surveyor. The justices positively disavowed any such motive as the one attributed to them.

"Complaint was also made, that the justices had always employed tradesmen who were members of the governing body in all business where their trades were required. This was admitted on the part of the justices, who stated that this preference was always shown by the court of burghmote in the business of the corporation, and that they had always employed the same persons as the court of burghmote employed. The following instance will show the impropriety of this system. A bill of one of the tradesmen, employed to put an iron fence upon the walls of the gaol, was particularly brought before my notice. It is usual for the surveyor to examine all the bills sent in for work which he has superintended, and if he sees no objection to the charges, he signs the bill. It is not usual to pay any of these bills until they have been signed by the surveyor. He superintended the iron work in question. When the bill was sent in, he objected to the charges which had been made, and refused to sign the bill. The tradesman refused to reduce the charges, on the ground of the high wages which he paid his men. It appeared that he was a coachmaker, and that some of the persons employed on this iron palisade were coach-spring makers, at high wages. He stated that the work in question was strictly within his line of business; the surveyor, however, thought otherwise. The justices then called upon him to prove the reasonableness of his charges, by proof of the wages paid, and the time spent upon the work. The surveyor was not required to be present at this examination. Ultimately, the bill was passed by the justices without the signature of the surveyor. The tradesman in question is an alderman. Supposing the conduct of all the parties in this transaction to have been perfectly

fectly honest, it is not the less evidence of the objection which exists to such a system; a strong suspicion must necessarily be excited in the minds of many persons, which it is very desirable should not attach to the magistrates of the town. The standing surveyor for the city is an alderman and justice; he has an allowance of five per cent. upon the money expended. It was stated that, in the published accounts of the city expenditure from January 1828 to July 1832, six aldermen appear to have received, for the various business in which they had been employed, 1,111*l.* 12*s.* 11*d.*; and 10 common councilmen, 1,115*l.* 6*s.* 4*d.*, exclusive of the contract by tender for building the gaol, the amount of which was 3,097*l.* The whole expense of building the gaol, including such repairs as were necessary during the progress of the work, between January 1828 and July 1833, has been 5,177*l.* 7*s.* 10*d.*, of which 487*l.* 19*s.* 6*d.* was expended in the purchase of some ground. The sum of 3,500*l.* was borrowed according to the provisions of the Act, of which 300*l.* has been paid off. It was stated that the justices, in 1831, came to a determination to employ the tradespeople of the town indifferently." (pp. 703, 704.)

(b) "There are at present 66 licensed public-houses within the jurisdiction of the city. Of these, five have been licensed since 1825; previously to that year no new licence had been granted for many years. Of the 61 licensed houses existing before 1825, nearly the whole number is in the hands of four firms of brewers. Repeated applications had been made to the magistrates before 1825 to license other houses, but they had always refused. No person seemed to doubt, that the refusal to grant other licences proceeded from feelings of consideration to the brewers; but it was difficult to get any definite information as to the motive for them. There can be no doubt whatever that the brewers in question have long had a great influence with the magistrates. Until lately, none of them have been connected with any influential member of the corporation. Political opinions do not seem to have been the cause of this influence. It was stated by a magistrate, that one of the brewers boasted that they had seven out of 13 justices on their side. It was also stated, that there had been a brewer, who was an electioneering agent of one of the Members of Parliament for the city, and that he had the means of influencing a great number of freemen; that any justice, who had opposed this person's interest in the granting of new licences, would have had little chance of being elected mayor. A magistrate stated, that there had been scarcely any licences stopped for irregularity in the houses, for that, on any discussion on such a subject, the brewer, who was landlord, had always interfered and obtained the continuance of the licence. The interest of the brewers seems to have been openly recognised. In the Sessions Book of 1805, there is an entry that, 'on the application of certain brewers,' it was agreed to permit a licence to be removed to a house then building, and that, when the house should be built, a new licence should be granted. Two licences were granted in 1825, the first after the rule to grant no new ones had been broken through; one of these belonged to the corporation. Of the remaining three granted afterwards, one was granted to the serjeant at mace, another for a house, which, it was stated, belonged to a member of the common council. Great complaint was made of the system pursued by the magistrates towards tolerated men in the granting of licences. These persons, as was stated in section 82, have the privilege of carrying on any trade within the city. On the application of any one of these persons for a licence, when there has not been a determination to refuse it altogether, he has been told to apply again the following petty sessions day; nothing has been said to him by the justices respecting the freedom. Previously to the sessions, he has received a notice from the chamberlain to take up his freedom, with an intimation that no licence will be granted until he has done so. Three cases of this kind were proved, and indeed were not denied by the justices, who stated that it had always been customary to require the publicans to take up their freedom. The circumstance of the magistrates giving no reasons for the postponing of the licence in such a case, and the immediate intimation of the treasurer of the corporation, seem to show that the former were exercising the discretionary power, vested in them as magistrates, to increase the funds of the corporation. One of the persons referred to in the above cases, refused to take up the freedom, and after some delay the licence was granted. This took place in 1832. Since that time, I was informed that the magistrates had come to a resolution not to require a tolerated person to take up his freedom in future." (p. 706.)

(c) "As soon as the two persons to be nominated have been determined upon, the sheriff declares their names to the freemen in the hall; a show of hands is then taken, and a poll, if any one demands it, which is almost always the case. The poll is taken by the sheriff on the hustings, at the end of the hall, in the same manner as on the election of Members of Parliament. The aldermen and common councilmen vote at this election; the number of voters is usually between 500 and 600. Money is always given at these elections to such voters as choose to take it. The usual sum to each voter used to be 1*s.*, it is now 2*s.* 6*d.* Sometimes the regular price is not adhered to; 1*l.* has been occasionally given for a vote. One of the aldermen stated, that his election, as mayor, cost him above 70*l.*, and that his friends also paid a large sum for voters in addition; above 600 freemen voted for him. The contest amongst the freemen is frequently a political one, particularly about the time of an election of Members of Parliament, or when any political question happens to excite an interest amongst them.

"At the election of mayor in 1832, a considerable feeling of disappointment was created amongst the freemen, on account of a particular alderman not having been put in nomination; the person wished for was the junior alderman, and had never served the office of mayor. In order to prevent any election from being come to, a large body of freemen stationed them-

selves upon the hustings, and, whenever any other freeman gave a vote for either person in nomination, one of this body gave a vote for the other. This plan was persevered in so long as any votes were given; and at last the sheriff was obliged to declare an equality of votes. Each person in nomination had 96 votes. The persons, who had engaged in this scheme, were so numerous, that it was impossible to defeat it. It was stated that an individual had offered 1*l.* to any one, who would vote as he wished, but that no one accepted the offer." (p. 689.)

"It was supposed that 40*l.* or 50*l.* had been expended by one of the persons put in nomination in 1833. The crier went about the town proclaiming that 2*s.* 6*d.* and a pint of ale would be given to every freeman who voted for this person; the other person put in nomination was not known to give any money, but he was elected by the freemen. One individual, who had been a resident freeman 16 years, stated that he had never voted at an election of mayor, on account of the system of bribery which invariably took place; he admitted that he had voted at elections of Members of Parliament, but assigned, as a reason for not declining to do so, his belief that money was not given to the voters until after the election, which he seemed not to consider bribery." (p. 689.)

CRICHESTER.

(a) "The public-houses are licensed by the city magistrates: there are 27 licensed houses. For 17 or 18 years no new licence has been granted, though in one instance at least a pressing application was made, supported by a very large body of the inhabitants. This led to the appeal mentioned hereafter, section 76. There was a licence granted in the year 1813, which excited some dissatisfaction. There seems to have been at that time a general understanding, if not an express annunciation, that fresh licences should not be granted. But a public-house having been thought to be required in a particular district, a license was granted to a house which was the property of a brewer, who was connected with the corporation. It seems to us that a house was really wanted in the neighbourhood; but it is not surprising that the grant to the particular person should have been attributed to partiality. Much discontent and inconvenience appears to us to arise from the circumstance that here, as elsewhere, a licence is considered to be part of the property of the owner of the house. There are four brewers in the common council; none of them are justices; another member, who was formerly a brewer, would probably have been elected a justice from his standing in the corporation, had he not been in that business.

"The corporation has no public-house." (p. 725.)

MAIDSTONE.

(a) "The Court Leet is held usually in October, before the mayor and justices. This court is not mentioned in any charter after that of Elizabeth. The town clerk attends as officer of the court, and conducts the business: he is probably steward. The jury are summoned by the constable. No list is furnished to him; he summons whomsoever he thinks proper. One person, who had served as constable, informed us that he made out a list of persons who had served the office of constable or borsholder, or had paid the fine for refusal, and summoned them. His reason for selecting such persons was, that he might not, by taking a person who had not served as constable, nor paid the fine, appear to favour such persons. As it is not usual for the jury to present one of themselves for constable or borsholder, a person summoned on the jury escapes all risk of being presented for either of those offices. This system of leaving the selection of the jury to the discretion of the constable seems to be very objectionable, though we did not hear any complaints of favouritism having been exercised. The leet jury occasionally present nuisances; the same mode is adopted as was mentioned in the account of the grand jury of the quarter sessions. At the last court leet a presentment was made of some improper practices of one of the beadles. There is no instance known of the court inflicting a penalty. The manner of presenting persons to serve the office of constable and borsholder was described in sections 25 and 26. The constable and borsholder, if present, are sworn into office at the court leet. Every officer sworn there pays a fee of one shilling to the town clerk." (p. 764.)

"(b) The Constable is selected and appointed annually by the justices from a presentment of persons by the jury of the court leet. The town clerk furnishes the jury with a list of all who have served the office, or have paid the fine for not serving, in order that none of them may be presented, and the jurors, from their individual knowledge, as inhabitants, fix upon such persons as they think proper. The persons selected by them are generally the tradespeople of the town; the practical test of eligibility is the being rated to the poor. Freemen and non-freemen are indifferently taken: it is not usual to present any one who is not in business. Persons are seldom presented for constables, until they have served the office of borsholder, between the holding of which two offices a few years are generally allowed to elapse. The mayor and three other justices, with the town clerk (or deputy recorder) attend the court; the jury send to them a number of names on paper, from which the magistrates select one, and the out-going constable is immediately sent with his staff of office to such person's house, the court still sitting. If the person chosen be willing to serve, the staff is left, and this constitutes the appointment. If he choose to pay a fine instead of serving, the magistrates either select one of the other names, or send to the jury for a fresh list, out of which they select another name, and the same ceremony is pursued, until a person is fixed upon who accepts the office. The number of names sent by the jury to the justices is quite discretionary; sometimes only two are sent, sometimes as many as six. We were told that it was usual for the magistrates to state how many names they wished for; and that the jury generally acted in compliance with this: others doubted whether any communication took place

place on the subject. In one instance, which occurred about 12 years ago, the jury sent up a number of names only just sufficient to fill the five vacancies, of the one constable and four borsholders. After a refusal to serve, the justices appear to assume a discretion as to whether they will take another name from the same list, or send for a new list to the jury. An instance has, however, occurred of the jury refusing to furnish more names, until all the persons on the first had been applied to. The fine paid for not serving is 7*l.* The fines frequently amount to a considerable sum; they, and the fines mentioned in the next section, for refusals to serve as borsholders, have been known to amount to 90*l.* in a year. They are paid to the general corporation fund. It was mentioned to us by several inhabitants that a belief existed, that the justices were in the habit of selecting such persons as they thought unlikely to accept the office, in order that they might increase the amount of fines paid to the corporation. We do not know how far the suspicion extends, nor had we any means of ascertaining what foundation there was for it, as no member of the corporation attended before us, who was acquainted with the reasons by which the justices are guided in their selection of these names. We think it probable that the suspicion may have arisen in some measure from that general distrust and dislike of the governing body, felt by the party opposed on almost all occasions to it, and which every election into it has tended to increase. Clubs have been instituted for the purpose of counteracting this supposed system of extorting fines. Each member of the club contributes, in order to make up the sum of 15*l.* which is paid to any member who is selected as constable, and consents to serve the office, instead of paying the fine: 7*l.* 10*s.* is the sum contributed to a person selected as borsholder. There is a great disinclination to serve the office of constable. The constable is sworn at the court leet, if he happen to be present; if not, before the justices at the petty or quarter sessions. He serves till the next annual appointment. Persons are not now allowed to serve by substitute: before the repeal of the Test and Corporation Acts, dissenters were allowed to do so." (pp. 757, 758.)

(c) "From what has been detailed in the previous sections, it appears that the present constitution has not worked well. The two usual modes of obtaining the freedom must necessarily exclude a large class of persons, whose participation in the elections and several proceedings of the corporation might have checked the corrupt practices in the elections which have been mentioned, or at all events, have given a milder tone to political differences. The whole number of freemen is computed at 845, of whom only 154 (as nearly as can be ascertained) are rated to the poor for houses of 10*l.* and upwards, which seems to answer to an annual value of about 20*l.*; 136 are rated for houses under 10*l.* through their landlords, under the provisions of local Acts, and 31 are receiving parochial relief. There are about 690 inhabitants rated to the poor for houses of 10*l.* and upwards, who are not in the corporation. It is scarcely to be expected that the proceedings of a body, composed as the freemen are, would be regulated by considerations of the well-being of the town. The result has been that, where the decision of a question is not influenced by bribery, the issue most commonly depends upon the popular feeling prevalent among the lowest classes at the time, and is independent of the merits. The effect of the system has been to create virulent and bitter party spirit, which has tended to excite, in one party at least, a distrust in the magistracy of the town, and which shows itself in all the ordinary parochial arrangements. No instance is remembered of an election of Members of Parliament without a contest; and political animosities have been excited on every occasion. We were informed that not only the tradespeople of the corporation, as a body, were employed from their being of a particular political party, but that a preference from this cause existed, to a certain extent, in the private transactions of individuals. A strong feeling was expressed to us upon the expediency of giving the power of electing the magistrates and governing body of the corporation to the inhabitants generally, who are contributory to the assessments and other burthens of the town; and we were told that already some abatement in this political excitement had been observed, since the Reform Act had disfranchised the non-resident and pauper freemen." (pp. 760, 761.)

(d) The Commissioners after describing the mode of electing the mayor, and the frequent contests that occur, state "These contests do not arise from any preference given to either of the persons nominated, nor from any opinion as to the fitness of either to fill the office of mayor. They are purely the effects of political party spirit, which prevails with the utmost rancour and bitterness of feeling. Both parties go to the contest with the object only of showing their strength and annoying their opponents. The party forming the majority of the ruling body of the corporation always vote for the senior person in nomination; the party entertaining opposite opinions always vote for the junior, whoever he may be. The latter party, as there is not any jurat who is supposed to be of the same political opinions as themselves, have no preference of any one on political grounds, neither have the opposite party. The office is not at all an object of desire with the jurats. The present mayor complained of his election, at the time, as a hardship. We were told that it was quite notorious in the town, that beer had been distributed by jurats amongst the lower classes of freemen, in order to induce them to vote against the donor. A freeman informed us, that he himself had been employed for three successive years on behalf of the same person to purchase beer, and distribute it by ticket amongst the freemen; that at one election he received a cheque for 10*l.* for this purpose, signed by the jurat in nomination, by whom he considered himself employed; at another, 6*l.* The jurat referred to, although nominated three times, has not been yet elected mayor. The person employed as agent, who gave us this information, not only did not vote *against* the jurat in question,

but was the person who demanded the poll, and himself voted *for* his alleged employer. It is not easy to imagine a greater perversion of municipal institutions, than a system under which bribes are given for the purpose of escaping from the highest office, and under which that office is inflicted as a measure of hostility." (p. 755.)

"The election of the 40 common councilmen is directed by the charter to be made by the mayor, jurats and commonalty, or the majority of them, on vacancy by death or otherwise, from the remaining principal inhabitants of the town and parish. The common councilmen are thus elected for life. This body seems to have been first established by a bye-law made in 3d James I. In practice, none but freemen are ever elected. Vacancies are not regularly filled up as they occur; in the year 1786 there were nine vacancies; in the year 1791, seven vacancies; in the year 1825, seven; and in the year 1833, seven. There is usually a contest on an election into this body. In some cases the greatest exertions have been made; freemen have been brought from great distances. We were informed that it was quite undoubted, that money was at such times given to the freemen to induce them to vote for a particular candidate. We were told that, on one occasion, a candidate gave 15*l.* and a pig to every voter who chose to take them. It was estimated that, in the contest alluded to, the two candidates together expended above 4,000*l.* A member of the common council informed us that, on the same occasion, above 1,700*l.* passed through his own hands, as part of the expenses of one of the candidates. So little disguise or shame was affected on this occasion, that (as we were assured) pigs were paraded in the streets, decorated with the colours of the candidate who had bestowed them. The candidates were part proprietors of two rival brewing establishments within the town. The motive of this expenditure was supposed to be, the influence which each party considered that he should obtain in the granting of victuallers' licences, in the event of his election as a jurat. No such extraordinary expenditure has taken place since the contest alluded to, which occurred in 1795; but it is not doubted that the practice has existed to a certain extent up to the present time; and we were expressly told that both the political parties adverted to in the last section equally joined in it. The election on the occasion alluded to, lasted seven days. In almost all other contests, the struggle has been between the two political parties; the result of these of late years was thought to have been nearly equally in favour of each party. Some proceedings are at present pending in one of the superior courts, respecting the validity of the election of the last sworn common councilmen. Religious tenets seem not to have formed any ground of preferment or exclusion." (p. 756, 757.)

NEWPORT.

(a) "The Town Clerk is appointed exactly as the recorder. The present town clerk has been very recently elected a burgess. For his connexion with the recorder, we refer to the preceding section. This office has been in this firm since 1749; and they have been the family solicitors of the patron for about sixty years. This firm holds almost all the appointments, in the Isle of Wight, which are commonly bestowed on that profession. Two of the three late Parliamentary boroughs in the island were, till the Reform Act, in the absolute disposal of the same family; the third borough was also partly in their hands; and the firm in question acted for the family universally. The firm is connected also with almost all the local Acts in the island. A very great number of the situations thus held are places of no emolument, and great trouble. Nevertheless the union of so many in one firm, that firm having also been closely connected with an irresistible political influence, has created great dissatisfaction among many political opponents. In some quarters there certainly does exist a strong feeling against them, to which public functionaries ought not to be liable; although there appeared, not only an absence of the slightest ground for imputation of malversation in any office, but an absence of any thing like a definite suspicion of the sort. It is probable that this feeling would not have been excited, had there been no political interest at stake; but it seems highly objectionable that there should exist any circumstances, connected even collaterally with the administration of justice, upon which political antipathies can fasten." (p. 776.)

(b) "The grand jury consists of the classes above shopkeepers, with the addition, in some instances, of such shopkeepers as have served the office of high constable. There was some complaint made as to the manner in which the discretion had been exercised; but we could discover nothing beyond the ordinary practice of confining the performance of this duty to persons of a certain station in society. The foreman is seldom changed: for some years a dissenter has been in this situation. There are not quite enough jurymen to form two grand juries, so that the turn to serve comes round oftener than twice in the year." (p. 781.)

"The town clerk does not practise here, directly or indirectly. What business there is, is principally done in his office without the court sitting at all. The professional persons are by no means agreed as to the result which might follow from making the court more effective: one opinion is, that it would be very advantageous; another, that the compass from which the jurors come must be very much enlarged, perhaps even to the extent of the whole island, in order to secure a choice of jurymen free from personal connexion with the parties. The town clerk at one time proposed to the other attorneys, that he should refuse to commence proceedings for clients of his own, in cases where the debt was less than 20*l.*, in order that they might have recourse to another attorney, and thus be enabled to proceed in the court of record. It was also suggested to us, that the court was not resorted to on account of the dislike to the monopoly to which we have adverted in the 30th section. For this suggestion we are convinced that there is no foundation whatever." (p. 783.)

(c) "It

(c) "It appears to have been originally intended that the government of the corporation should be confined to very few persons; by the management which has been practised, it has now for many years been under the direction of a single family. So directed, the corporation has been used as a machine for confining the representation of the town to the nominees of the same family: and the parliamentary seats have been, as the inhabitants generally believe, considered as family property. But no instance of municipal malversation or negligence appears to have been permitted; and the pecuniary concerns have been a constant source of expense to the patron, unless a pecuniary value is to be assigned to the power of disposing of the seats. As far as we could trace, no unpleasant feeling was produced by this state of things, till within the last few years; latterly, the discontent created by a sense of political exclusion seems to have attached itself indiscriminately to every circumstance connected with the corporation." (p. 778.)

(a) "Some dissatisfaction was expressed to us at the offices of town clerk and coroner. PORTSMOUTH. being united in the same person, as, from the latter office being annual, the corporation obtained a greater control over the town clerk. An instance was mentioned, where a threat was supposed to have been used by the corporation of taking the office of coroner from the town clerk, on account of his having supported a candidate for the borough representation who was opposed by the corporation. We do not, however, think that much advantage would be gained by a separation of the offices. It may admit of considerable doubt whether or not it is advisable to make the office of coroner an annual one; if this were a permanent office, held during good conduct, we think it would be well attached to the office of town clerk. We are not aware of any means by which a close corporation can be prevented from influencing its officers. We do not find that any threat was seriously made. Much of the suspicion in the above instance, as well as in most other cases, seems to have been excited in the minds of the inhabitants from the strong feelings of jealousy and dissatisfaction at the closeness of the corporation system." (p. 810.)

(a) "It has appeared in the explanations already given that this body is completely self- ROCHESTER. elected. This has been the subject of bitter complaint on the part of many of the freemen. The complainants, however, appear to consist principally, if not entirely, of the adherents of the political party opposed to that which has now the ascendancy in the common council. Such an ascendancy exists, and has existed for a considerable time, and the consequence has been the creation of the utmost exasperation and rancour on both sides. This may possibly be owing in some degree to the restricted nature of the means of the first admission into the body of freemen. There can be but few chances of the entry into the governing body of persons belonging to what are commonly considered the higher classes of society: and the absence of such persons may have been felt in the tone and manner in which party feelings are put forth. Another ground of complaint was that, whenever work was to be executed for the corporation, the tradesmen who are members of the common council, had invariably the preference, a practice which, with some very trifling exceptions, was avowed by the corporation. The strongest instance mentioned to us was the building of the gaol in the year 1809. According to the statement of some of the common council, which was uncontradicted, the expense of this erection was about 5,000 *l.* or 6,000 *l.*, and six tradesmen only were employed upon it, five of whom were members of the governing body, the sixth being of a trade not exercised by any member of that body." (p. 851.)

(b) "It will thus appear that the whole number of persons created within the 20 years ending in 1832 has been 664. Of the four classes, the honorary freemen have been created least frequently. There is no pretence for believing that the admissions of this class have been influenced by political feeling; great complaints, however, were made to us of partiality having been shown in the adjudication of the completeness or incompleteness of titles belonging to the other three classes. Several cases were brought before us; some of so ancient a date, that it did not appear to us reasonable to expect that they should be either contradicted or explained: and, among the rest, we did not find a case so free from legal difficulty as to warrant us in believing that the decision had been capriciously made, although one or two instances were produced, which appeared to us not reconcilable with strict law, or with other decisions pronounced by the corporation." (p. 850.)

(c) "The method of selecting the juries is as follows: The magistrates examine the poor-rate assessments of all the districts within the liberties; they then, with the assistance of the parish officers, form two lists, one containing the names of such persons as appear to them fit for grand jurors; the other, the names of such as appear fit for petty jurors. The present list was formed previously to Midsummer sessions 1833: before this revision, the lists had not been revised for many years; it is intended that there should be an annual revision for the future. The present grand jury list contains 115 names, the petty jury 184: the names of the aldermen and assistants are excluded from these lists. The number of registered 10*l.* householders within the liberties, on the right bank of the river, is 433; when to this number is added that of the 10*l.* householders within the liberties, on the left bank of the river, of which we have no distinct list, the whole number of 10*l.* householders will be given. The town clerk estimated this whole number at 580, but we think that he made too large an allowance for the number on the left bank of the river. Still the two jury lists appear to contain, together, a much smaller number than might have been expected, even after taking into consideration the number of 10*l.* householders necessarily excluded from it, either as members of the common council, or as possessing any other exemption.

Three weeks before each sessions, the names of all the persons on the two lists, who have not served during the current year, are put into parcels respectively: the principal serjeant at mace draws out 21 for the grand jury, and 28 for the petty jury. The names of two assistants are placed at the head of the grand jury panel; these two names are taken in rotation, each assistant serving for two succeeding sessions, first, as the junior, and next, as the senior; in the latter case he is the foreman, in the former he is sometimes called the deputy foreman. These panels are always struck in the presence of the magistrates, and the jurors are summoned by the principal serjeant at mace. Some of the inhabitants complained of the custom of always selecting the foreman from the assistants; this has been several times brought before different recorders at quarter sessions, but the present practice has been always sanctioned by them." (p. 856.)

"The general court leet is held on the Monday after Michaelmas-day, for the liberties; the corporation are the lords of the leet. It is held before the steward or his deputy. The recorder very seldom attends; the town clerk is his deputy. The jury consist entirely of freemen; 21 are taken by ballot from the grand jury list, exactly in the same way as the grand jury in quarter sessions are balloted for, except that the names of persons, not freemen, are rejected when drawn; so that the drawing goes on until a list of 21 freemen is obtained. The names of two assistants are placed at the head of the list; their names are taken in rotation, and the senior of the two acts as foreman; neither of them serves at the next court. This method of appointing the foreman was the subject of complaint." (p. 856.)

(d) "The coal meters are appointed by the common council; the number is unlimited, and, since the repeal of the duty on coals, an intention has been entertained of reducing it. It seems that a fresh appointment is hardly ever made except upon a vacancy. Some complaints were made to us of partiality on the part of the corporation in the appointment of these officers. During the existence of the duty on coals, the Government appointed measurers, with a view to the collection of the duty, and the corporation for a long time gave their appointments to the same persons. Government adhered to the rule of not giving their appointment to any person who kept a public-house near the place where the measuring was to be performed, on the ground that his interest in his business would render him liable to unfair influence. After the duty ceased, the appointment of the corporation coal meters was a matter unconnected with Government, and they gave the first appointment to a publican, exercising his vocation near the water edge. Complaint was made that this had produced some annoyance to the trade: it was also stated, that when the administration was in the hands of the party, to which the majority of the governing body of the corporation was understood to be opposed, the corporation deviated from the practice of following the Government appointment in a case where the coal meter appointed was a political opponent, and named a political adherent. In answer to this we were informed that this separation had been made in consequence of a requisition, addressed to the corporation by nearly 300 freemen, who considered that their chance of appointment was narrowed by the patronage being practically retained in the hands of Government. It appeared also, that the first two appointments which the corporation made after the cessation of the duty on coals, were given to persons who had held the Government appointments without those of the corporation. There is a standing order that none but freemen shall hold this office." (p. 847.)

SOUTHAMPTON.

(a) "No new licences for public-houses have been granted by the magistrates since 1815: there are about 40 in the town. Complaints were made to us, both of the inadequacy of the number of public-houses, and of the unequal distribution of them. Upon inquiry, we found no foundation for these complaints, further than what necessarily arises from the system of licensing (whether peculiar to this borough or not); according to which the licence is attached to the house, and not to the individual. The great increase of the town towards the extremities, since 1815, has made this unequal distribution more felt; although we did not find that the inhabitants were unanimous as to the existence of the grievance. Complaints were also made that, before 1815, individuals had been partially selected in the granting of licences: no case could be distinctly made out to us at this distance of time, but some of the corporation seemed inclined to think that the complaints were not altogether without foundation: at all events, whether the fact had been so or not, the suspicion entertained seems to show that want of confidence in the corporation, with respect to matters in which the inhabitants are interested, which we have had occasion to advert to before. The individual who made the complaints expressly disclaimed making any charge against any of the present members of the corporation. No member of the common council is connected with any brewing establishment." (p. 887.)

(b) "The court leet is held on the third Tuesday after Easter Tuesday. It is adjourned from time to time to no particular day, but to such day as the jury shall be summoned for. The court is held before the mayor and aldermen, as lords of the leet, and the town clerk, as steward and judge. The jury are summoned from the same class of persons as the petty jury at the quarter sessions, with the exception of the bailiffs, who are always summoned, and of the sheriff, who is always foreman. They make presentments relating to encroachments on the highways and common fields. They were until lately in the habit of visiting the shops and markets, for the purpose of examining the weights and measures: since an inspector has been appointed by the justices at sessions, under the Act for regulating weights and measures, they have in a great degree discontinued this duty. They have also a visitatorial power over the free school; how this has been acquired is not known

known. The presentments are signed by the jury, and ought then to be returned by the sheriff to the common council: this, however, is not regularly done. The presentments are not entered in the books of the common council: a memorandum is sometimes made of the fact that presentments have been made. The books, however, are not kept in a very precise manner.

"It appears to be taken for granted by the common council, that the sheriff will draw their attention to anything important in the presentments, and in point of fact, when this is done, they do take the subject into consideration, and take such steps as seem to them advisable. It is evident that they are not, as common council, peculiarly called upon to notice presentments of the court leet, the legal results of which can be only obtained through the court leet itself; but some dissatisfaction seemed to exist amongst the inhabitants, from the idea that proper effect was not given by the common council to the presentments. In one instance suspicion was entertained that this arose from a wish, on the part of the common council, to favour a member of their own body, against whom the presentment was directed. We are convinced that this was not the case; but the feeling is evidence of a want of confidence in the governing body of the corporation." (p. 883.)

(c) "No great interest seems to have been taken of late years in the proceedings of the governing body: when questions have arisen in which the inhabitants took any interest, a want of confidence in the body has frequently shown itself. One instance will be given in the account of the proceedings of the court leet; and others came before our notice, where suspicions of favouritism and partiality seemed to have been excited, although, as far as we were able to judge, without any foundation." (p. 878.)

(a) "The charter of Elizabeth simply declares that the individual named therein, as first recorder, shall execute the office by himself or his sufficient deputy, who shall be called town clerk. The legal effect of this may possibly be that the recorder is to name the town clerk. In practice, the latter is elected exactly as the recorder. He is not necessarily a freeman. He holds for life. The office is now held jointly by two persons, with survivorship, of whom one is not a freeman, and the other is now one of the 24 men, and was a freeman at the time of his election. A canvass took place at the time of the last election: at the suggestion of some of the chamber, the contest was compromised by an understanding that the two persons who now hold the office should be elected jointly, and that one of them should manage the business, arranging with the other, as the two might please, about the division of the emoluments. A third candidate withdrew his opposition, on an agreement made with the town clerk who does not manage the business, that this latter would give him half his emoluments. Some controversy has since taken place in print, on the question whether this last agreement has been strictly adhered to. There have been other instances of the office being held by two jointly. The present joint town clerks are not partners for other business. Both are attornies of the superior courts. WINCHESTER.

"The charter of Elizabeth gives the mayor and recorder power to take recognizances of debt according to the statute merchant of Acton Burnell, and enacts that there shall be a clerk for the purpose, to be appointed by the mayor, bailiffs and commonalty. This officer seems to be now either represented by the town clerk, or not to be elected at all." (p. 897.)

(b) "No person can be proposed as a member of either of the assemblies except by the suggestion of the chamber; so that whenever a particular party gains the ascendancy in both bodies, no limit can be assigned to its power either in degree or duration; and, even supposing either assembly to contain a majority against the chamber, such a majority can do no more than stop business. From this it appears very doubtful, whether any liberal administration of the corporate functions by individuals can secure permanently the confidence of the inhabitants, however successful such conduct may be for the time. The public are not admitted to any of the chambers or assemblies." (p. 899.)

(c) "In 1818, one of the Members for the city was mayor, and he appointed a deputy by an entry in the Book of Proposals of the chamber, on the ground of his absence on Parliamentary and other business. In the following year, the present high steward of the borough, the heir apparent of the nobleman who was considered the patron of the borough, was mayor; and he appointed the same deputy, in the same form, and for the same assigned reasons. Neither of these mayors had served any office in the corporation; both were mere freemen, the former of some years standing, the latter admitted in 1818. It is not easy to believe that these elections can have been made with the view of securing the services of a competent officer. The high steward, when mayor, finding the corporation involved in the litigation before alluded to, entered a protest on the corporation records, to the effect that he had been only recently elected a freeman, and had no knowledge of the subject-matter of the suits; and that, though he relied fully on the conduct of the corporation in the matters which were the subject of the suits, his future acts relating to the litigation were to be considered as done simply in the character of mayor, and that he would be a party to no application of the funds, except under the direction of the Court of Chancery. At the time of putting in this protest, the mayor was, by virtue of his office and the ordinance of 1811, mentioned in section 29, a member of the committee for conducting the suit on behalf of the corporation." (p. 900.)

DOVOR.

" There are seventy-three licensed public-houses within the town and port. Of these, twenty-five belong to one firm of brewers. One of the firm is a justice; his partner was a justice, but resigned about two years ago; the remaining partner is a common councilman. The first-mentioned of these partners is related to other three of the justices, one of them being his brother. This firm has been connected with the corporation as long as can be remembered. Other seventeen licensed houses belong to another brewer; he was a common councilman, but resigned a short time ago. He has, or lately had, the following relations amongst the justices, father, two uncles, one cousin and two brothers-in-law; they were, probably not all justices at the same time. There are twenty-two houses not in the hands of brewers. There has been only one new licence granted since 1824, this was to the gaoler, who gave up his office, it was thought, on condition of having a licence granted. There have been several applications for licences since 1826, which have been refused. A strong belief exists among several of the inhabitants, that the justices have granted and refused licences from improper motives. The circumstances above mentioned were strongly pressed upon my attention, as corroborative of this. It was stated that persons, such as soldiers and sailors and their sons, who are entitled under Acts of Parliament to carry on trade within corporate towns were never licensed, until they had purchased their freedom. No instance of this was fully substantiated, but two or three cases were mentioned, which tended to an inference of it.

" The licences at Margate are granted by the Dovor justices, some of whom go over for this purpose once in the year. It was stated by an individual, who said that he had received the information from publicans, that it was customary for the licensed publicans to pay the travelling expenses of the justices, and to provide them a dinner on their arrival." (p. 952.)

FAVERSHAM.

(a) " Complaint was made to me, that it was the practice to elect into this body persons, recently come to inhabit within the town, whose political opinions were in unison with those of the majority of the governing body, and who were likely to co-operate with that body in the maintenance of some bye-laws, imposing a restriction upon the liberty of trading within the borough, and that the office had not been conferred upon the inhabitants and resident freemen generally. This complaint, however, appeared to be not well founded, as it was stated that, of the present jurats and common councilmen, only four were strangers to the town, and that all the rest were strictly towns-people, the greater part of whom had been born within the town. It was also stated that, of the four strangers elected, two were considered to hold political opinions opposite to those of the majority of the governing body." (p. 963.)

(b) " Considerable dissatisfaction was expressed by individuals at the manner in which these fees had been exacted. It was made a matter of complaint that indulgence had been shown in allowing time for payment by instalments in some cases, and denied in others. No instance, however, was produced, where any circumstances existed to lead to an inference that improper motives for partiality could be attributed. The only cause in each case seemed to be the indigent circumstances of the persons admitted; and no case was mentioned, where a reasonable time had been refused on request under the same circumstances. Complaint was also made by several persons, that no receipt had been given acknowledging the payment of the fees. In several instances it had been asked and refused, the applicants being told that their names would be entered in a book, which was a sufficient acknowledgment. An individual stated that the freemen did not see the book, and had no guarantee that the money paid by them for the stamp was always expended upon that. The town clerk stated that he had always refused receipts when asked for them, as it had never been customary to give them, but that he would have shown any person his own entry in the book, with the stamp attached, if he had been requested to do so. There seemed to be no reason for supposing that the imputations attempted to be cast upon the corporation, as to the appropriation of the stamp money, was made sincerely. It seemed to be merely a taunt, thrown out for the sake of annoyance, from feelings of strong dislike at having to pay so large a sum. Partiality was attempted to be shown in the determinations as to exemptions. Some instances had reference to the exemptions created by the statutes 42 Geo. 3, c. 90, and 56 Geo. 3, c. 67, in favour of persons who had served in the army. This charge was not in any way substantiated. It was mentioned that the gaoler was allowed to carry on a trade without being compelled to be admitted a freeman. It appeared that he occasionally made boats for sale. The answer of the town clerk to this was, that no trade mentioned in the bye-laws would apply to the one in question. Another instance was mentioned of a person having been summoned to take up his freedom, for exercising the trade of a plumber and glazier. This person, after having been summoned three times, attended and claimed an exemption under the statutes just mentioned. This was disallowed. No other reason for not purchasing the freedom was assigned by him. He did not take up the freedom, and no steps were taken to compel him. The town clerk stated, that the reason of the corporation not attempting to enforce the penalty was, the doubt there was of their being able to prove any trading. The individual in question stated that he was at this time gradually declining business, but that he had an open shop behind his house, where he employed one man; that he undertook work for any one who sent to him; and that he had from six to twenty employers: that this continued for three years after he received the summons. The reason given by the town clerk for not taking further proceedings did not appear to me to be altogether satisfactory; but no specific motives could be assigned for partiality, either on the part of the corporation

corporation or town clerk. There are at present four actions depending in one of the superior courts, brought to compel payment of fees or penalties." (pp. 969, 970.)

(c) "Extracts have been given from the bye-laws, in order to show what were the objects for which the Company was established, its original functions having long since fallen into disuse. At present it exists merely as a nominal body, whose sole function is to impose a restriction upon the right to trade within the jurisdiction of the corporation. From the instances mentioned above, of complaints against this body, all of them probably without foundation, it will have been inferred that a great dissatisfaction exists with respect to this system. The complaints against the system came chiefly from the inferior classes of tradespeople, whose feeling on the subject seemed to be exceedingly strong. One of the higher class of tradespeople stated that he considered the restriction advantageous to the town, as tending to prevent strolling traders from coming into it, and such as go wandering from town to town, opening shops for a few weeks only. He also stated that this opinion was held by many of the tradespeople. There can be little doubt that this restriction, by means of fees, is satisfactory to the tradespeople in a larger way of business, but is the cause of great dissatisfaction and complaint from the inferior classes; and this circumstance is corroborative of what might have been otherwise expected, namely, that the tax operates very unfairly. There can be no doubt that so large a payment as 13 l. 8 s. is very inconvenient to persons just beginning trade on small means. The reasonableness of the tax was maintained by one member of the corporation, on the ground that, as inhabitancy conferred several privileges, such as exemption from serving on county juries, the inhabitants had a right to levy a contribution from such strangers as come to take advantage of them." (p. 970.)

(d) "The town clerk openly declared, that he thought a person's political opinions would be considered in this election. He said that the large majority of jurats were of one political opinion, and that, of two persons equally competent to fill the office, they would elect the person of the political opinions of the majority. He said that persons known to be of opposite political opinions have been chosen, but not many such within the last 10 or 15 years. He said that religious tenets would also influence an election to the same extent: there is no jurat who is not a member of the Established Church. This statement, however, of the town clerk, was disavowed by two jurats, who stated that they themselves were not of the same political opinions. One of them spoke from an experience of 14 years: he also stated that, of the three persons last elected jurats, two of them were known to be of different political opinions to those of the majority of the jurats, and that an individual, also known to be of opposite opinions, had been frequently asked to allow himself to be elected a jurat, but that he had always declined. He admitted that a large majority of jurats were supposed to be of the same political opinions. Several of the inhabitants expressed their conviction, that the political opinions of persons had formed a strong test of their admissibility into the governing body of the corporation, and stated that such a conviction existed generally amongst the inhabitants." (p. 963.)

(a) "There is a small plot of ground, which the corporation have used as long as can be remembered for the purpose of drying the fishing-net. This used to be open to the road, but was enclosed by the person mentioned in section 8, as having been so many years mayor. This ground, at his death, came into the possession of a relative of his, who holds it under his will. The freemen conceive that the freehold of this land belongs to the corporation. The person in possession states that they were merely allowed the use of it for the purpose mentioned. This matter is still in dispute, but the corporation persist in using the ground as they have hitherto done. I was unable to obtain any satisfactory information as to the right of property. There is a very small extent of ground, and it can be worth very little." (p. 992.) FORDWICH.

(a) "The town is considerably disfigured by the erection of several mean tenements on the margin of the beach between the sea and a row of handsome houses, which have been subsequently erected close under the cliff, which terminates at the beach. The beach is the property of the corporation, and they have been much blamed for permitting these erections. But the whole town was, till within a recent period, confined to a glen between two hills; the beach in front was unoccupied, and various petty encroachments were made by fishermen and others before it was anticipated that this beach would become the site of a new street. With a view to obtain an undisputed recognition of the title of the corporation, leases were granted to the occupiers of these encroachments, before the town had extended between them and the cliff. With respect to those leases, which comprehend a great portion of the tenements in question, it may fairly be urged that the inconvenience now occasioned by them was not foreseen. But some transfers of the soil of this beach have been made by the corporation within a few years, for which no such excuse can be found. In one instance in particular, subsequently to the erection of a row of handsome dwelling-houses under the cliff, a portion of the beach sufficient for the site of a coach-house and stable, was conveyed to an opulent individual, who erected upon it a coach-house and stable immediately in front of the dwelling-houses in question, and between them and the sea. HASTINGS.

"Within the last year also, some small portions of the beach have been sold by the corporation, but in this instance the previous enjoyment of the purchasers, and those under whom they claimed, had been of such duration, that if the corporation had attempted

to recover the property, they must have spent in law more than the fee-simple was worth." (p. 1002.)

(b) "In all matters of business relating to the corporation at large a general assembly is required, which consists of the mayor or his deputy, a majority of the jurats, and an indefinite number of freemen.

"Previously to the reform, this body may be considered to have been, in effect, self-elected; for the low number at which the corporation continued so long stationary shows that care was taken to elect as freemen only such persons as were not likely to increase the body by having children.

"The body so restricted in numbers, and having the return of two Members of Parliament, presented an apt instrument for the purposes of a patron, and can be scarcely said to have served any other purpose than that of enabling him to return two members in his own interest.

"The corporation has very little revenue applicable to public purposes. The mayor and the greater number of resident jurats have generally been tradesmen, unqualified, however estimable in their private stations, to discharge the duties of magistrates or judges. In effect, those duties must have been discharged by the town clerk and town counsel, while the manifest dependence of the municipal authorities on the guidance of their own officers, could scarcely have failed to lower the respectful feeling essential to a due administration of justice.

"For a long series of years the entire control of the corporate body was in the hands of Mr. Milward, an opulent neighbour. With what advantage to himself and the private interests of the corporators may be inferred from the circumstance of their numbers having been suddenly increased from 30 to nearly 200, when they were about to be divested of the exclusive privilege of returning Members to Parliament. It is asserted that the Reform Bill has not materially affected the ancient influence, as nearly the whole of the land surrounding the town is still the property of Mr. Milward's family." (p. 999.)

PEVENSEY.

(a) "The functions of the corporation, as may have been seen, are scarcely more than nominal. The town of Pevensey is in such a decayed state, that there are not more than three or four persons within the parish considered competent for the office of constable. There is only one house in the parish rated at 10*l*. The trial of offences by the quarter sessions would be extremely inconvenient, from the small amount of population out of which to select the jury. There is no doubt that the liberty cannot furnish inhabitants competent to exercise the duties of magistrates; and although this defect has been in some measure remedied by the election of neighbouring gentlemen into the corporation, still serious inconvenience might arise from their absence from the neighbourhood. I had every reason to believe that the most active members of the corporation, and those most likely to take the chief office, might be always expected to be persons, who, however great their private respectability might be, would not be competent by education or profession to exercise the various and responsible duties of magistrates. This disadvantage exists in some measure at the present time. It seems then to be very desirable that the liberty should be brought within the jurisdiction of the county; and, as the property and privileges of the corporation are trifling, and the number of its members small, there seems to be very little obstacle to this, except the difference between the liberty and the county rate, and the present exemption of the inhabitants from service upon county juries. Some, if not all, of the gentlemen referred to above, are county magistrates, so that their services would not be lost by the abolition of the corporate magisterial jurisdiction." (pp. 1018, 1019.)

RYE.

(a) "The mayor and jurats are governors of two endowed schools, called Pecock's and Saunders', a full account of both of which is given in the Report of the Charity Commissioners. One of these schools is entirely a grammar-school. Strong representations were made by several of the inhabitants, that almost all benefit of the school was lost by the townspeople, on account of Latin and Greek only being taught gratuitously. At the other school, English grammar, arithmetic and navigation are taught, and admission into it is much more sought after than into the other. The mayor and jurats have the appointment of boys upon the foundation of both." (p. 1036.)

(b) "The effect produced upon the inhabitants generally by the system, on which the corporation has long been constructed and managed, has been, as might be expected, that of great dissatisfaction and discontent. Not the slightest imputation was made upon the private respectability of the family who were considered to have had the patronage of the Parliamentary borough; but as this patronage was founded on a system of exclusion from the corporation of all persons, who were likely to exercise their privileges independently of the patron, and as he himself and his relations have generally been nearly the only jurats and justices, those officers have been considered as holding their situations merely for political purposes, the obvious tendency of which is to diminish that confidence which ought to exist towards the magistracy of the town. The offices under Government, held within the town, have always been given to the freemen, upon the nomination, as there can be no doubt, of the patrons. This has naturally created jealousy and discontent. A document was produced to me, purporting to be an agreement amongst five individuals of the corporation, consisting of the patron, and friends and relations of his. The town clerk protested against my receiving it, as being strictly a private paper, which had most improperly been printed; but no doubt was expressed by him of its genuineness. It was

set out at length in a petition to the House of Commons from some of the inhabitants in 1827. This agreement consists of several items; the first of which is, that the parties to it will exert themselves for the benefit of each other, for the good and advantage of the corporation generally. The next item is, that no application shall be made by any of them for any place or office exercised within the corporation, which is in the gift of Government, without the privity and approbation of them all. They are to consult each other upon the selection of jurats by any of them as mayor. They are to oppose the nomination of every one as freeman, who is not liked by all of them. They are to use their interest and endeavours to procure the election of each of themselves in rotation to the mayoralty. There is a provision for making the patron, or a particular relation of his, deputy mayor, when any of the others is mayor. There is then an agreement between two of them, for dividing the profits arising by the collectors of the customs hiring the warehouses or vessels of either of them, and for giving each other half the work which either of them may contract to perform for the corporation or commissioners of the harbour. Lastly, the agreement is to be secret, and not disclosed to any one. Within the last two or three years the corporation has been entirely opened, and already much angry feeling has subsided. It was stated that the effects of this were plainly visible in the private society of the town, and that much improvement in the general state of the town was confidently expected." (p. 1033.)

(a) "Each person who has voted for the one elected jurat, whether there has been a contest or not, receives from him half-a-crown. On this account the freemen always vote. The expense incurred in this is usually about 30*l*. After the election the new jurat provides refreshment for the mayor, jurats and common council, of which the freemen afterwards partake. It used formerly to be the practice for the new jurat to give a supper, instead of which he now always gives 20*l*. to St. John's Hospital. There are other expenses, such as those of the ringers, and a band of music. The whole expenses of the election amount to about 70*l*. Vacancies are never kept open long when any common councilman can be found to accept the office, but the expense of election frequently deters persons from offering themselves: there is one vacancy at present." (p. 1044.) SANDWICH.

(a) "A detailed account of the grammar-school, and of the purposes to which it is applied, is given in the report of the Education Commissioners. Complaint was made by some of the dissenters, that their children were excluded from the benefit of the school, by the necessity of having to learn the church catechism, and to attend church. This complaint seemed unreasonable, as the original foundation for six scholars is still preserved, and from them no religious exercises are required. The really beneficial part of the institution is maintained by voluntary subscriptions, the contributors to which may very reasonably make their own regulations." (p. 1068.) TENTERDEN.

(b) "The deputy borsholders are appointed by the justices at the general sessions, one for each borough. The deputy borsholder of the preceding year selects his successor. He summons such householders within his own borough as he thinks fit for the office. Complaint was made, that the offices of borsholder and deputy borsholder were confined to the tradespeople almost entirely, persons in a higher station in life being seldom required to serve. As the deputy borsholder chooses his successor, it is clear that the tradespeople have at any time the power of changing the system. Some of them stated that there was an unwillingness to do this, from fear of giving offence and injuring their trade. It was also objected, that the richer classes were allowed to serve by substitute. The town-clerk stated, that there was a disposition on the part of the justices to accommodate persons who were selected, and that any one, without distinction of rank, was allowed to serve by substitute, if he procured such a substitute as the justices thought fit for the office. An instance was mentioned as showing partiality towards a person in a higher class of life, who had just come to reside within the town. An exemption was granted to him on the latter ground, and did not seem to be unreasonable. There seemed to be no foundation for complaint against the magistrates." (p. 1065.)

(c) "The common clerk, or town clerk, is elected annually by the mayor, jurats, and freemen. His re-election takes place as a matter of course, no instance being known of a common clerk having been displaced. He has always been an attorney. The present common clerk is not a freeman; he was first elected in 1824. Upon his first election there was another candidate, who happened to be a dissenter from the Established Church, an Unitarian. Previously to the election, the present town clerk gave notice to his competitor, that he should call upon him to comply with the requisitions of the Test and Corporation Acts. Upon this the latter retired from the contest. This proceeding excited a strong feeling of dissatisfaction in such of the inhabitants of the town as were of the same religious community as the candidate, excluded by these means from the office. It was stated by some persons that this feeling extended to other dissenters: this the town clerk denied. At present a feeling of rancour exists, between the town clerk and the particular body of dissenters specified, to an extent, which it is almost impossible to exaggerate. The consequences of this are extremely prejudicial to the interests and quiet of the town. It was stated on both sides that the question was merely a personal one, but I had great reason for believing, that it had created a strong religious party feeling in a large portion of the inhabitants." (p. 1064.)

SOUTHERN CIRCUIT.

AXBRIDGE.

(a) "Until 1794, almost all the property of the corporation was held on leases for 99 years, on three lives. In that year it was determined to turn these leases into terms of 1,000 years. A rent was reserved on each equal to two and a half times the old rent, and was to begin from the day of the sale. On these terms the lands were put up to auction. It appears, however, that only a small part was sold by public auction, but a great deal by private contract. Only one lot was sold to a member of the corporation. In every case the refusal was given to those who had lives on the property. Land continued to be sold in this manner until three or four years ago, and now there is but a very small quantity held on the original tenure. Most of it was sold in 1794 and 1795; nearly 1,400*l.* was received in those two years, and appears to have been expended partly in the liquidation of old bond debts, partly in defraying the expenses of a brick-yard, which was then managed for the corporation by the chamberlain, and was a losing concern. The accounts of this period, however, are not in good order, and I did not obtain a satisfactory explanation of these transactions. The cause of the defective entries in the books was stated to be, the death of the chamberlain and the falling of his papers into the hands of some, who had avoided delivering in the particulars of his discharge. These sales are said to have operated beneficially on the general improvement of the town by encouraging builders, but they proved a very unfortunate speculation for the corporation." (p. 1097.)

BASINGSTOKE.

(a) "The corporate offices are objects of ambition to the respectable inhabitants, who are desirous to have the power of electing their own officers. It is felt to be a grievance, that the corporation allow non-residents to remain members of their body, and that they have elected strangers to fill up the vacancies in the corporation, to the neglect of the native inhabitants of the town. In all other respects the conduct of the corporation, both as to the management of their affairs and as to the administration of justice, has deserved the confidence of the inhabitants." (p. 1107.)

BRIDPORT.

(a) "It appears from the list which has been above given of the capital burgesses, that several of the members of the corporation are connected together by the tie of relationship. And they are nearly all of them, according to the admission fairly made by the town clerk, somewhat exclusively chosen in reference to religion and politics. This is one of the natural effects of the self-elective system, and one which is perhaps in general to be deprecated; though it must be confessed that in Bridport the members chosen as capital burgesses appear from their position and consideration in the borough to have been fit and proper persons to introduce into the corporation." (p. 1141.)

BRISTOL.

(a) "We allude to them only, because a charge was founded upon them against the corporation and the corporate magistrates, for which we cannot see much ground. It seems that an idea had prevailed among the citizens, that the commissioners of the bridge had accumulated the full amount from the tolls allowed by the Act, and that the bridge, which is a principal thoroughfare of the city, was about to be thrown open. Some individuals, with what view it is not now easy to ascertain, purchased the tolls of the lessees during the last fortnight of the then current year, and threw the bridge open during that time. On the tolls being leased for another year, serious riots ensued; the magistrates called out the military, and several persons were killed. The principal blame appears to us to rest with those parties who, without full information, had recourse to a step which could not but add strength to the idea that the tolls continued to be illegally collected. Their conduct seems to have been founded in a complete misapprehension as to the surplus then in the hands of the trustees, which by Act of Parliament was required to be 2,000*l.* before the tolls were given up, and which did not, in fact, amount to that sum when paid over to the commissioners of paving. However, from the time of these disturbances, no more tolls were collected on the bridge." (p. 1186.)

"The corporation on this occasion succeeded in obtaining, upon assertions of a prescriptive right, which appears totally destitute of foundation, a Parliamentary title to various dues, some of which at least might have been made the subjects of dispute." (p. 1213.)

"No opposition was offered to the Bill until after it had been read a second time; nor does it appear at that stage to have been generally known in the city of Bristol that such a measure had been brought into the House." (p. 1211.)

(b) "The Corporation also offered, in case the Police and Compensation Bills were passed during that session, to contribute 1,500*l.* per annum to the police force, and 500*l.* per annum towards the prosecution of felons; to continue to bear the expenses of the gaol and bridewell; to abandon their claim to compensation for their property destroyed during the riots, as far as their existing leases and engagements would permit, which claim (it was stated) would include the expense of rebuilding the bridewell, and to give a sum of 500*l.* towards the relief of those sufferers by the riots whose individual losses had been under 30*l.*

"These offers were at first viewed with some suspicion by the parochial deputies, in consequence of a publication which had then been recently made, for the first time (under the sanction of the common council), of the state of the finances of the corporation. By this

this it appeared that the disbursements of the common council already, on an average, exceeded their receipts by nearly 3,000 *l.*; and it was asked how, if that were a full and fair disclosure, the corporation could undertake the further liabilities they were about to incur. We feel bound to add here, so far as we have been enabled to judge, by an unreserved communication to us of the chamberlain's books, that no ground existed for the suspicion implied, although under the circumstances, we cannot condemn it as unreasonable.

"It appears to us also that the common council, in stating, as they did to the parochial deputies, that they expected to be able, by retrenchment and an improved mode of managing their property, to turn their annual deficiency into a surplus to the extent mentioned, characterised the scale of their previous expenditure in a manner to which no comments of ours can give additional force." (p. 1183.)

(c) "The actual diminution of charges on some articles was very considerable, as may be seen from two or three instances which appear in a corrected copy furnished to us of the Appendix to the First Report of the Chamber of Commerce. Thus, the town dues alone on 61 tons 9 cwt. of flour, before the Act, were 23 *l.* 17 *s.* 10 *d.*: they are now 6 *l.* 18 *s.* 4 *d.* On 19 bales of silk, weighing 2,976 lbs., value 4,468 *l.* 10 *s.*, the old charge would be 24 *l.* 16 *s.* 6 *d.*, the new charge 2 *l.* 7 *s.* 6 *d.* On 13 bales of cloth shipped from Bristol, value 1,839 *l.* 19 *s.* 3 *d.*, the former charge was 10 *l.*, the present charge is 1 *l.* 12 *s.* 6 *d.*; and in the last instance the alteration would have had the effect, at the time when the first calculation was made, of turning the scale on the total amount of port charges in favour of Bristol as compared with Liverpool.

"The annual net amount of town dues, on an average taken from the five years before the Act, was 3,912 *l.* The annual net amount, on an average taken for the five years after the passing of the Act, has been 1,753 *l.* The average of mayor's dues for the first period was 1,542 *l.*; for the latter period 599 *l.*

"The benefits of the reduction were felt materially in particular branches of trade, especially in the Irish trade, on which, and on the coasting trade generally, the dues had had been entirely abandoned." (p. 1217.)

"It is to be lamented that the large sacrifice of income which the corporation thus consented to make, had not, in consequence of the circumstances attending it, the merit of a liberal and disinterested act in the eyes of the citizens, and that a measure, which in itself was well calculated to promote good and kindly feelings, should have failed in producing that result.

"The line of conduct pursued by the corporation in the prosecution of the Bill of 1825, was deemed by the Chamber of Commerce to be directly at variance with their resolutions of the preceding year; and the boon which they offered, instead of exciting gratitude on the part of the citizens, was received with coldness and discontent, and considered chiefly in the light of an abortive attempt to obtain a secure Parliamentary title to doubted and disputed claims.

"It would be unjust to the corporation to deny them the credit of intending by this measure to afford relief to the trade of Bristol; but it may be doubted whether its general effects were so beneficial as they were intended to be; for the reduction of port charges effected, large as it was, was yet not sufficient to place the port of Bristol on an equal footing with other rival ports." (p. 1216.)

(d) "The Bill, as first brought into the House of Commons, contained other powers that must have been most vexatious in their operation. It provided that the principal corn measurer and his deputies, who were to be appointed by the court of mayor and aldermen, should have the exclusive right and power to measure all corn and malt brought by water for sale to the port of Bristol. It also enacted that 24 porters, also to be appointed by the court of mayor and aldermen, should have the exclusive right to land and ship goods at the quays, wharfs or backs, and from one ship to another (except at the cranes); and there were penalties for employing any other persons than such corn measurers and porters, unless for small packages not exceeding 28 pounds weight.

"No opposition was offered to this Bill until after it had been read a second time; nor indeed does it appear at that stage to have been generally known in the city of Bristol that such a measure had been brought into the House, the attention of the citizens being then engrossed with the progress of the Dock Bills, which, as it seems, were opposed both by the corporation and the society of merchants.

"Upon the remonstrances of a gentleman who then took an active part among those who were unconnected with the corporation, all that part of the Bill which related to the corn meters and company of porters was expunged, and the schedules of rates in several instances were reduced from those originally proposed to the scale at which they now stand in the Act.

"The confirmation of title to the wharfage dues appears to have been that which the two corporations were chiefly anxious to secure, and other points were readily conceded by them. Advantage, however, was taken of these concessions to alter one or two clauses, so as to throw more power than the Bill originally gave into the hands of the corporation of the city on that part of the Bill which was retained." (p. 1211.)

"The recollection of the manner in which this Act was carried appears to have done much towards exciting, and we think, in great measure justified, the suspicion of the intentions of the corporation which appeared on occasion of a more recent application to Parliament, to which we shall presently come. The corporation, on this occasion, succeeded in obtaining,

upon assertions of a prescriptive right, which appears totally destitute of foundation, a Parliamentary title to various dues, some of which at least might have been made the subject of dispute; and the attempt was made, though without success, to convert into lawful and compulsory payments the wages that had been paid, by the free consent of the employer, for the labour of those whom it might suit his convenience to employ." (p. 1213.)

"It has been shown, that the governing body of the corporation of the city of Bristol, is constituted on the closest principles of self-election and irresponsibility; and it seems to us to offer a very unfavourable specimen of the results of such a system. We think the corporation stands entirely clear of any imputation of clandestinely appropriating its public revenues to individual profit; but it cannot be so easily acquitted of mismanagement and extravagance. With a sinking and overburdened trade, its large revenues have been unprofitably expended in the maintenance of an overgrown establishment, and in the display of state magnificence, which is satisfactory to contemplate only when it is the symbol of prosperity, and defrayed out of its overflow.

"The ruling principle of the corporation appears to have been, at all times, the desire of power, and a watchful jealousy that nothing should be undertaken within the limits of the city over which they cannot, at pleasure, exercise control. Almost every one of the long list of legislative enactments which belong to their local history, affords full proof of this assertion, makes good some questionable point, or fences them round with some new privilege. It deserves also to be noticed, that almost every one of their applications to Parliament has been the signal for fierce opposition on the part of the city, and has become a topic of general discontent. Whether or not these discontents have been always well-founded, the frequency and duration of them, while each political party has had the ascendancy in turn, are strong indications that the causes are to be found in the temper of the corporation itself, independently of mere party politics. The effects of this disposition are felt far beyond its immediate objects. They show themselves in a spirit of opposition and distrust on the part of the citizens, so that it seems doubtful whether the corporation could now do an act of real liberality, without becoming liable to suspicion and reproach on account of it.

"The corporation have endeavoured to subdivide the multifarious duties vested in them among the different characters which they are enabled to assume, either as common councilmen, mayor and aldermen, justices of the county, guardians of the poor, dock directors or paving commissioners. They draw, especially, a distinction between their corporate character and that in which they appear as magistrates; but the citizens, who recognise the same individuals presiding in the guildhall whom they see presiding in the council-house, are unable to comprehend the principle of this distinction, and are at a loss to understand that complete separation which is supposed to exist between the motives that influence them in one character from those by which they are actuated in the other.

"As owners and conservators of the port, the behaviour of the corporation of Bristol appears to us to be altogether indefensible. The mildest charge that can be made against them is, that they have been careless of its interest; there is much ground for asserting that they have been actually injurious to it. They have suffered burdensome charges of every description to be accumulated upon its trade, of which they are the last to see the impolicy; and when nuisances and obstructions are complained of, they then declare themselves to be without power to abate them. They have placed out of their own control, for a nominal consideration, a heavy and oppressive tax, which, whether or not legally imposed in its beginning, was then at least applied to the purposes of the harbour. They have procured a Parliamentary title for their lessees, from whom they can demand no account; and have suffered the tax, imposed for public services, to be absorbed in paying the incumbrances contracted in other speculations of those who now claim to be a private and irresponsible company.

"We are informed that the same political party has not always held the ascendancy in the council-house of Bristol, and that some of the acts which we find most objectionable, have been in the time of a party opposed to that which is now supposed to be predominant there. We should not seek for a stronger proof that the fault is inherent in the system itself. Among all the quarrels and disturbances of which unhappily Bristol has at all times had more than her share, among all changes of political party, the corporation has always been the subject of attack and animosity; and we are of opinion that these feelings cannot permanently endure in any society, unless there be something essentially bad in the first principles of its constitution." (pp. 1222, 1223.)

CHARD.

(a) "Under these circumstances it is natural that the inhabitants should desire to have local magistrates and local courts, as being required by the growing importance of the place. With regard to a municipal magistracy, there does not seem to be any pressing occasion for their appointment at the present time, two county magistrates being resident in the parish, and a petty session, attended by three magistrates, being held once a month in the town of Chard. But the existence of county magistrates near any particular spot is not with any degree of certainty to be calculated upon. With regard to local courts, the inhabitants of Chard testified their anxiety for the establishment of them by a petition, very numerously signed, having been addressed to the Legislature on the subject of the Bill which was introduced during the last session. But it is evident that no magisterial or judicial power could be bestowed upon a body constituted like the corporation of Chard with any good effect, or with any hope of gaining the confidence of the inhabitants of the town. The boon, therefore, which many of the inhabitants appear to desire, would not be valued

valued by them, nor answer its proper ends, unless it were accompanied with an alteration in the mode of choosing the members of the corporation." (p. 1242.)

(a) "The profits of the fairs and markets before 1805 were let, it is said, for only 16*l.* a year. What they produced from 1805 to 1821, when they were in hand, does not appear, for no receipts under that head are to be found in the chamberlain's books during the whole of that period of time. It is remarkable that accounts should have been regularly audited every year, passed and allowed, with so important an omission in them. That it was neglect only, or at most a fraudulent [?] omission on the part of the chamberlain, and not an act of embezzlement, may be inferred from this fact, that the succeeding chamberlain compounded with the parties from whom the arrears were due; and it does not appear to have been pretended that the sums payable to the corporation had already been paid. The charge of culpable negligence attaches, however, with as much force to those who allowed the accounts in this state, as to the party for whose indemnity they were passed. In other respects the accounts for the years that have been mentioned seem to be correct; and I satisfied myself with regard to the disbursements by an examination of the payments and of the vouchers; the result of which examination clearly acquits him of any further blame." (p. 1311.)

LYME.

(b) "The town itself has the appearance of having remained for many years in an unimproved state. Part of the principal thoroughfare is a very narrow street, which is on that account stated to be dangerous to foot passengers; and a complaint was made that a footpath, which enabled persons to avoid this spot, was some years ago stopped up by the corporation. The reason alleged for stopping up the path was, that representations had been made as to its general condition, which induced the corporation to regard it as a nuisance. It would have been better if, instead of depriving the public of the accommodation and protection which this footway afforded, the corporation had exercised their authority or contributed from their revenues towards its improvement. In this and in other respects, among which may be mentioned the situation of the fish market which still exists in one of the principal parts of the town, and the state of the butchers' shambles, which are in the main street and uninclosed, the attention of the corporation appears to have been not sufficiently directed to works and measures of public utility." (p. 1315.)

(a) "The members of the corporation seem to be all of them among the principal inhabitants of the town; but it has been objected that the selection has been too much confined to particular families, and that family interests prevail to a great degree in the choice of head officer of the corporation, to the exclusion of those members of the body who stand in a more isolated condition. And it certainly appears that out of the thirteen mayors who have been elected since 1820, six have borne the name of Buckland, four that of Chitty, two of Swyer, and the thirteenth is closely connected with one of the former families.

SHAFTESBURY.

"The following is the list of the members of the corporation, exclusive of the recorder; and it shows both the respectable situation which they occupy, and in some degree, but not altogether, the relationship of the parties.

"Richard Buckland, mayor, postmaster.

Edward Buckland, retired attorney.
James Hurd, surgeon.
Charles Hannen, attorney.
Philip Matthew Chitty, attorney.
George Chitty, attorney.
James Lush Buckland, surgeon.

Walter Swyer, brewer.
George William Buckland, surgeon.
Thomas Burrige Chitty, gentleman.
David Roberts, wine and spirit merchant.
Robert Swyer, attorney." (p. 1353.)

(a) "One person confined in it about 60 years ago, who had the privilege of going out by day and ranging in the open air as far as a chain of 15 or 20 yards in length, by which he was attached, would allow him to go; and it was only during the night that he was in close confinement." (p. 1401.)

WILTON.

NORTHERN CIRCUIT.

(a) "There appears formerly to have been some extravagance in giving entertainments, but the tavern expenses of late years have been very moderate, averaging for the last 20 years 4*l.* 15*s.* 7*d.* yearly." (p. 1421.)

ALNWICK.

(a) "The Debt due from the corporation is 452*l.* exclusive of a debt of 43*l.* 19*s.* 6*d.* now due to Bird and Robinson's charity.

APPLEBY.

"There is a balance in the banker's account against the corporation of 150*l.*

"The debt bears interest at five per cent.

"It is part of a larger debt, contracted for the purpose of erecting some buildings in the town, called the cloisters, and for the payment of the costs of a cause tried in 1826, in which the corporation were unsuccessful, and which cost them upwards of 700*l.*

"The value of the land, the subject of dispute in the cause, was very trifling; and the decision is said not to have settled any important question of right.

"The dispute, though concerning a title, is said to have had its origin in difference of political opinion between the parties really interested, and appears to have been an improvident expenditure of public money. The debt was contracted on an agreement to pay off 150*l.* annually; and such reduction has accordingly been made regularly." (p. 1428.)

(b) "The duties of the Select Body or Common Council are to make bye-laws and to manage the corporation property; but common councilmen of this borough were said to be resident in all parts of England.

"This body is clearly self-elected. This was objected to, and stated to be contrary to the wishes of the inhabitants, who thought the election should be vested in the 10*l.* householders. No contradiction was given to this statement, and the suggested alteration was concurred in by some of the members of the corporation, and not dissented from by any." (p. 1427.)

"The Revenue of the corporation is derived from tolls, stallage, freehold land and houses.

"The tolls consist of a corn toll for all corn exposed for sale in the borough; this is let for 205*l.* a year.

"Weighing toll,—sum paid for weighing; let for 15*l.* 2*s.*

"Shambles toll,—a sum of 1*s.* a year, for killing any kind of beast within the borough; let for 1*l.* 10*s.*

"Composition for toll, from the proprietors of the old Brewery, 9*l.* 9*s.*

"The same, from the proprietors of the new Brewery, 8*l.*

"There is also the Stallage of the market, let for 14*l.* 2*s.*

"These produce a total of 253*l.* 3*s.*

"This source of revenue is very unpopular, and gives rise to general dissatisfaction.

"It was stated by members of the corporation and others to be very injurious to the trade of the town." (p. 1428.)

BERWICK-UPON-TWEED.

(a) "There are often contests for this office (*Mayor*). There was a very severe contest in 1791. It has been contested since; and it is stated, that bribery, treating, and the customary means used in contested elections, are often had recourse to in the elections to this, and other offices. This office (*Recorder*) is sometimes very severely contested. In the year 1802, there was a contest, which cost one of the candidates 1,000*l.*

"It was made a matter of complaint to us, that an officer who had such important duties to perform, having sometimes to try capital felonies, should be thus chosen; and it was stated, that although latterly the office had been filled by very competent persons, such was not the case formerly; and even when a fit person has been elected, this was often owing to accident, rather than the effect of popular election of a judge." (p. 1437, 1438.)

"They (*Bailiffs*) are generally tradesmen in the town, and have been (since the repeal of the Test Act admitted a large number of candidates) persons of respectability; though before that time they were very much otherwise.

"The circumstance of their being judges in the same court in which they select the juries has been already noticed.

"Their situation in life, and their want of anything like legal knowledge, seems to give great, and, as we think, well-grounded dissatisfaction; and although they do not in practice interfere with the recorder in the business of the court, yet their having the power to do so is greatly objected to; while, unless they do take a part, their attendance is useless, and cannot in any degree add to the respectability of the court in which they preside." (p. 1441.)

(b) "Some difference of opinion existed as to the expediency of this mode of conducting the business of the corporation by so large a body of persons; but it appears to us that a great preponderance of opinion entertained in the borough is against such a mode of transacting business; and particularly as regards the management of the corporate property, that opinion was most decidedly expressed.

"The business is conducted in a disorderly and tumultuous manner, destructive of deliberative counsel.

"This is said to prevent the attendance of many persons.

"A suspicion prevails that some of those who are in the habit of attending the guilds are not influenced by correct motives: but the principal argument against this system is, a reference to the manner in which the funds of the corporation are administered, by which it will appear that they are distributed by the managing body amongst themselves as private property. And more than this, the revenues are encumbered with a very heavy debt, principally incurred in a manner which will be explained hereafter (under the heads of Revenue and Debt), for the purpose of increasing the amount of the funds thus distributed amongst themselves.

"Instances have occurred of large sums of money being borrowed for the purpose of directly distributing them amongst the burgesses.

"It is to be observed here, also, that the burgesses who thus have the control of the revenues, and the election of all officers exercising corporate and magisterial jurisdiction over the inhabitants of the borough, even in matters concerning life and death, are far from forming

forming a majority of the more wealthy or intelligent residents, as will appear from the following table:—

“ Number of burgesses occupying houses of the value of 10 <i>l.</i> and upwards									
in the old borough	-	-	-	-	-	-	-	-	115
Ditto	in the new Parliamentary borough	-	-	-	-	-	-	-	6
Total									121

“ Number of non-freemen occupying houses of the value of 10 <i>l.</i> and upwards									
in the old borough	-	-	-	-	-	-	-	-	264
Ditto	-	-	in the new Parliamentary borough	-	-	-	-	-	73
Total									337

	Valued Rent.	Real Value.
	£.	£.
“ The property of the burgesses, including that of the corporation, is rated to the poor at	5,361	7,148
The property of the non-freemen	16,889	22,518

“ To prevent the inconvenience of transacting matters of account in large assemblies, committees have sometimes been appointed by the guilds as before-mentioned.

“ Some of the persons who composed such committees, stated, that they were influenced in their determinations by the knowledge, that unless their reports were founded on the principles usually acted upon in the guilds, they would be rejected, and the committee discharged; which was often the case.” (pp. 1442, 1443.)

(c) “ The Debt due from the corporation, calculating the value of the annuities at 10 years’ purchase, amounts to 55,411*l.*; of this, the debt on bond amounts to 44,273*l.*, borrowed at 4½ per cent.

“ The annual amount of money paid on annuities is 973*l.* 17*s.* 6*d.*

“ Nearly the whole of this debt has been incurred since the year 1792; the debt at that time not amounting to more than 3,000*l.* In 1800 the debt had increased to 9,530*l.* In 1810 it was 18,212*l.* In 1815 it was 27,740*l.* In 1820 it was 38,328*l.* 10*s.* In 1825 it was 45,830*l.* At Michaelmas 1832 it was 54,011*l.* It has increased since that time. There does not appear any sufficient reason for this increase of debt. There appears to have been expended on different occasions, in public subscriptions and improvements between the year 1790 and the present time, a sum of about 7,000*l.* The way in which the debt is accounted for, is as follows: The burgesses have always been anxious to have the full value from their meadows and stints, without any abatement on account of public taxes, or otherwise. Acting on this principle, the meadow and stint lands were let free from tithes, poor-rates, and all other taxes and incumbrances. For this purpose, the tithes have been purchased, and the land thus freed from that burthen. The poor-rates, and all other taxes chargeable on the meadow and stint land, have been constantly paid out of that portion of the corporate property which was assigned to the payment of the general expenses of the corporation, called the Treasury Fund. The amount of these charges, whilst the property-tax was in existence, amounted to one-third of the whole value of the land. Repairs were also done for the tenants, and paid out of the same fund. This system caused an annual deficiency in the general accounts; and to supply such deficiency, the corporation have been compelled from time to time to borrow money. The payment of interest on these sums being thrown on the treasurer’s purse, has caused a continuing necessity to borrow money, and to go on increasing the debt from time to time.

“ In the year 1828 the burgesses consented to allow 10 per cent. on the amount of their meadow and stint money, to pay off the debt. This has been continued. The amount of this allowance is 582*l.* per annum. A regulation was also made in 1817, that the payment of the poor’s-rate and taxes by the corporation, on the meadow and stint lands, shall be discontinued for the future. But this is not sufficient to keep the corporation from getting further in debt. In the year 1830, the revenue fell short of the expenditure 3,104*l.* 2*s.* 5*d.* In 1831, there was a deficiency of 1,651*l.* 13*s.* 8*d.* In 1832, there was a deficiency of 1,524*l.* 3*s.* 4*d.* To supply these deficiencies, the corporation still go on borrowing.

“ The week before our arrival a sum of 1,333*l.* 6*s.* 8*d.* was borrowed on annuity, for 100*l.* per annum.” (pp. 1448, 1449.)

(a) “ The burgesses at large have, to a certain extent, a share in the election of part of the body constituting the common council, viz. the capital burgesses; but the choice is limited to such lights as the mayor and aldermen submit to them; that is to say, twice the number to be elected. It was stated to us, without contradiction, that this restriction on their election gave dissatisfaction to a great majority of the burgesses and inhabitants, and that the general wish of the inhabitants was that such restrictions should be removed, and that householders of a certain value should be allowed to participate in the elections.” (p. 1457.)

“ They have also the appointment of the masters to the grammar-school, whose salary they increase from 10*l.* to 100*l.* by a voluntary payment. On the last appointment of a master, a difference arose between the aldermen and capital burgesses; in consequence of

which dissension, a master was appointed by part of the members of the common council at a meeting not properly composed according to the customary mode of election. This defect was occasioned by several of the capital burgesses absenting themselves. Another person was subsequently appointed by those who were dissatisfied with the first appointment. The master first appointed, however, continues in his place." (pp. 1460, 1461.)

CARLISLE.

(a) "About the year 1700, the corporation was seised of a large tract of land, called Kingmoor. Between that period and 1750, this land from time to time was granted by the corporation in parcels, upon leases for three lives, for a nominal consideration, with covenants of perpetual renewal, upon payment of the small fine of 1 *l.* for each life.

"The larger portions of this land were granted by the council to members of their own body. The smaller portions were granted to some of the freemen.

"These leases were renewed from time to time, till about 50 years ago, when the corporation contemplated resisting the renewal, but being advised that they could not do so legally, the leases were renewed. About the year 1815, application was made to the corporation by the tenants to enfranchise these lands, and they were subsequently enfranchised, upon the payment of a consideration, estimated by the actuary of a public insurance office.

"The largest portion of the land so taken from Kingmoor was granted in fee to an alderman.

"It is estimated that the present annual value of the above tract of land is 1,000 *l.*

"About 20 years ago, a small piece of land was let by the council to one of its own members, for a term of 999 years, at the annual rent of 6 *l.* Three years afterwards he sold his interest on it for 70 *l.*

"In the year 1815, the corporation granted to the recorder the site of a building in Scotch-street, for the nominal consideration, expressed in the deed, of 5 *s.*

"In explanation it was stated that the recorder had previously given to the corporation his interest in a small piece of land in the city for building the shire-hall, and the grant to him was made in return for this act, and also upon condition that he would give up part of the site of an adjoining house, so as to widen the street and make the line of building straight, which would be an improvement to the town.

"Various other alienations of property took place between the years 1750 and 1815, to the amount of 2,701 *l.*

"The application of the proceeds cannot be exactly ascertained.

"It appears, however, that the corporation had some very heavy expenses in trying the law-suit relating to the fishery; another about the tolls; also suits concerning the mills, &c.

"A great expense was likewise incurred in procuring the Paving and Lighting Act.

"We are also able to trace purchases of property made by the corporation and the erection of buildings, amounting to 2,282 *l.*; and a sum of 500 *l.* subscribed to the Loyalty Loan. Part of the expense was incurred in building the shambles, which now produce an annual rent of 190 *l.* 15 *s.* 6 *d.* per annum.

"The debt during this period was increased from about 4,000 *l.* to 4,800 *l.* The more modern alienations, (the transactions connected with which were more satisfactorily explained,) took place between the period of 1815 and the year 1827.

"The total amount of these is 6,857 *l.* 8 *s.* Part of these properties was taken, under a private Act of Parliament, for building the court houses and county gaol.

"The amount produced by these sales was expended in paying off the debts of the corporation, amounting to 4,800 *l.*, the purchase of other property, and making a new street in the city." (p. 1477.)

(b) "These officers, who have to perform the duties of a judge in the civil court, and to whom the selection of juries for the criminal court of the city is entrusted, are generally persons in an inferior station, and ill-suited, from their occupation and education, to discharge properly the duties of judge or sheriff. One of the present bailiffs is a stable-keeper, of an inferior description." (p. 1473.)

"The Coroner's duties are well known. The persons appointed to this office are generally artificers, or the lower class of freemen. They have an annual salary of 10 guineas each. The number of cases on which they hold inquests are about six in the year. They receive a fee of 15 *s.* for each inquest. The impropriety of appointing such persons to perform the important duties of coroner seems too obvious to require any comment." (p. 1473.)

"Licensing meetings are held by the city magistrates for granting licences within the city. There are about 80 licensed houses in the city. One of them is kept by a capital citizen. One of the senior aldermen is interested in another. The other senior alderman also had one, but he being a partner in a brewery, is disqualified from acting as a licensing magistrate.

"These three were old licensed houses previous to their belonging to members of the corporation, and we cannot discover that any preference is shown to the members of the council in granting licences. A complaint was made of an improper refusal of a licence, but was not substantiated.

"The number of licensed houses has been reduced within these 12 years." (p. 1476.)

"Freemen equal in respectability and property to the members of the corporation are thus excluded. It was stated that the number of resident freemen of this description was but few; but from a statistical account given to us, of the number of persons rated at

and above 10*l.* a year, it seems that though there are but few absolutely, this is not the case if the term is understood in a relative sense; for from that account it appears that of the freemen differing in political and religious sentiments from the members of the council, the amount is greater, both with respect to numbers and rated property, than those of the other rated freemen, including all the members of the council and officers of the corporation.

"The number of eligible persons is necessarily limited by the difficulty of obtaining freedom; and the exclusion of respectable persons from the corporation from this cause, and the principle thus avowedly acted upon in the elections of corporate officers, excites great jealousy and dissatisfaction, and tends to destroy confidence in the municipal officers.

"It was stated, without contradiction, to be the general wish of the inhabitants not immediately connected with the corporation, that the mode of electing the corporate officers should be rendered more popular and extensive, and it was urged in support of this, that upon calculation it was found that the number of the new constituency rated at 10*l.* a year and upwards, was to the number of freemen so rated, in proportion of eight to one." (p. 1472.)

(a) "It was stated by some of the burgesses, that they never saw the contents of, nor had the possession of the title-deeds, had not paid any consideration for the borough houses in respect of which they are qualified, never were put in possession of the property, did not receive any rent, and, in fact, not having consulted the register, did not know in respect of what house they were qualified!" CLITHEROE.

"They stated that this was generally the case with the other burgesses.

"They complained that although some of them were owners, and others occupiers of property to a great extent within the borough, they had no means of becoming members of the corporation, or having a voice in the corporation elections, except in the manner above stated. And that, notwithstanding the proof of title before the inquiry jury, owing to the loose manner in which that proof was taken, they were apprehensive that in case they were called upon to show their qualification, they might not be able, from not having the deeds, to give any evidence of it.

"Another inconvenience they conceived to exist was, that these colourable titles having been originally made for the purpose of giving the two noblemen who own the borough tenements a political control over the borough, there was a probability now, since this inducement for creating burgesses had ceased, (except so far as regards the appointment of the returning officer,) that the number of burgesses might become reduced to an inconvenient extent. At all events, they thought the municipal officers of the borough should not be chosen by burgesses so constituted; and these, they believed, were the sentiments of most of the inhabitants, and of the burgesses themselves.

"Another objection made to the manner in which persons became free was, that from the circumstance of the houses which conferred that privilege being of an inferior description, from their small size and decayed state, the freemen are of necessity persons in a lower station of life than most of the other inhabitants." (p. 1485.)

(a) "The present town clerk is a practising attorney residing in the borough. It was stated that he was in the habit of practising in the civil court, but this was denied by him. He stated that when applied to to practise there, he declined doing it, but, in case the party applying was one of his clients, he recommended some other attorney; that his clerk, in urgent cases, made out the affidavit of debt, in order to arrest the defendant for the purpose of preventing his escaping out of the jurisdiction of the court; but that the profit of making out the affidavit went to another attorney, and no part of it to himself. DONCASTER.

"The town clerk does not practise at the quarter sessions." (p. 1499).

(b) "The constitution of the borough magistracy was said to be considered objectionable, on the ground that in cases of appeal on convictions the appeal was in effect to the same persons whose decisions were appealed against, the numbers of the magistrates being so small. Another ground of objection made was that they are generally persons carrying on business or professions in the town, and are therefore considered not sufficiently independent, nor qualified by their education to dispense the laws." (p. 1501.)

(c) "The freemen almost invariably receive money for giving their votes in these elections; originally the usual price given for a vote was 1*s.* and a supper; it was then raised to 2*s.* 6*d.*, from that to 5*s.*, then to 7*s.* 6*d.*, then to 10*s.* 6*d.*, and subsequently to 1*l.* 1*s.*, and on some occasions as much as 1*l.* 6*s.* has been given. The number of freemen who generally vote on these elections is from 100 to 120, by far the greater part of whom are paid for voting." (p. 1496.)

"From what has been stated as to the mode of choosing the members of the governing body, it appears that the aldermen are self-elected, and the only share which the freemen have in the election of capital burgesses, is the choice of one of the two lights presented to them by the members of the select body. It was stated that the electors of these two lights, namely, the members of the common council, in order to limit the freemen's choice, put out as lights, one person whom they wish to be elected, in conjunction with another person who is supposed to be unpopular with the freemen; and the suspicion that this practice prevails, is confirmed by the fact that one gentleman, who had openly declared his determination not to give money to any one for voting for him, was put out as a light 10 or 12 times, although he was at variance with the members of the common council.

"The mayor stated, that he, thinking some question on the mode of electing the common council might arise, had summoned a meeting of the members of that body, and that in pursuance of a resolution come to by them, 'he saw no objection to 10*l.* householders having votes on election of future common councilmen of the borough, provided a sufficient qualification in freehold property be required of the candidates, and all the rights and privileges of the freemen be preserved; and further, that in the election of capital burgesses, their choice should not be confined to lights proposed to them.'

"It was stated, that a more popular mode of election, extending the right of voting beyond the freemen, was the general wish of the inhabitants of the borough.

"The number of houses in the borough of the annual value of 10*l.* and upwards, is 761; of these, only 37 are occupied by freemen, independently of those occupied by members of the select body.

"The amount of the poor-rates collected last year was 4,058*l.*; of this, 265*l.* only was paid by freemen, exclusive of the members of the common council; and of this 265*l.*, 109*l.* was paid by two persons only. The amount paid by the resident members of the common council, 27 in number, was 306*l.*" (p. 1497.)

HARTLEPOOL.

(a) "The tolls create great discontent, and are stated to be very injurious to the trade of the town. One person represented that he formerly contemplated setting up in trade in the borough as a corn merchant, but he found that, as he was not a freeman, the amount of toll on corn would so much decrease his profits, as to make it imprudent to do so, in consequence of which he employed his capital elsewhere." (p. 1533.)

HEDON.

(a) "The town clerk is also clerk to the borough magistrates, and clerk of the peace for the quarter sessions.

"He is clerk or assistant to the coroner.

"He attends, takes minutes, and records the proceedings at council meetings.

"He has a salary of 10*l.* a year, and an allowance of 4*l.*, for collecting the fee-farm rents. He is entitled to fees on the admission of freemen. As clerk to the magistrates, assistant to the coroner, and attorney to the corporation, his emoluments are very trifling. There have not been more than two inquests held in the last five years; and the corporation has not been concerned in any action or suit for 18 years last past. There is one lease prepared by him." (p. 1539.)

HULL.

(a) "The clerk of the peace has a partner, and most of the prosecutions at sessions are conducted in their office. This practice was complained of. It appeared, however, that the expenses of prosecutions conducted in the town-clerk's office are somewhat less than those conducted elsewhere, because in cases conducted in his office nothing is allowed for copies of informations.

"Another complaint was made of a new rule of the court, as giving an undue advantage to the town clerk over other attornies: this rule ordered that no prosecutor shall be allowed the costs of employing counsel, unless he gives eight days' notice to the clerk of the peace of his intention to do so. The reason of making the rule was stated to be this: the recorder thought it would be desirable that all prosecutions should be conducted by counsel, and, therefore, in cases where no attorney was employed for the prosecution, it would be necessary for the brief to be drawn up by the clerk of the peace: the object of the rule, therefore, was to ascertain in what cases it would be necessary for the town clerk to prepare briefs, allowing a reasonable time before the sessions for that purpose. In those instances where the prosecutions are conducted by the partner of the clerk of the peace, no such notice is required. This rule operates hardly upon all the other attornies, and favourably for the partner of the clerk of the peace, because prosecutors are not in general aware of such a rule, and they frequently apply to attornies to conduct prosecutions for them much less than eight days before the sessions; they then find that they are too late to give the necessary notice, they therefore employ the town clerk's partner, in which case no such notice is required." (p. 1555, 1556.)

(b) "Some of the bye-laws and bench orders are published at the time they are made, but there is no general collection or permanent publication of them. In some cases sufficient notoriety is not given, and in others they are not published at all; and an instance was adduced of two persons who refused to take down covers to stalls erected by them, they being ignorant of the existence of a bye-law forbidding the erecting stalls with covers; and in consequence of such refusal, actions were brought against them by the corporation; they suffered judgment to go by default, and were sent to prison for the costs." (p. 1551.)

(c) "A constable was indicted at the quarter sessions for false imprisonment in arresting a man. He was found guilty, and sentenced to pay a nominal fine. The magistrates in their corporate capacity had, previous to the trial, ordered the defendant's costs to be paid out of the corporate funds, which was afterwards done. No blame was attributable to the constable, he having arrested the prosecutor irregularly by mere mistake. The complaint was, that the magistrates, by ordering the payment of his costs previous to the trial, had shown themselves not to be wholly unbiassed as judges. By supporting the officer inculpated, before inquiry into his conduct, they prejudged the case, and yet sat in judgment upon it." (p. 1556.)

"The costs of prosecutions are taxed by the clerk of the peace, and are paid out of the rate for the county of the town. A complaint was made that there was not a proper table of fees; in reply to which the clerk of the peace stated that when he came into office in 1823, he found an old table of fees established by the court of quarter sessions in 1756. That table, together

together with the table of fees taken in the East Riding sessions, he was informed had been the guide of his predecessor. He admitted that he considered a table of fees for 1756, in taxing the costs, not suitable to the present time; and that up to the sessions, in July 1833, there had been no other. At those sessions, which were subsequent to the time when Mr. Woolley gave his evidence before the Committee of the House of Commons, complaining of the want of such a table, a table of fees was laid before the court for its inspection and approval. It was again laid before the court, and approved of at the next sessions, and was intended to be submitted to the judges at the then following assizes. He also stated that he had been a loser in consequence of there not having been a table of fees before established; as the table of fees of 1756 is under the scale of the county quarter sessions. Neither the old table of fees, nor any other, was posted up in the office or elsewhere." (p. 1555.)

(d) "Great complaint was made as to the manner in which the business was conducted. The magistrates sit in a small room, which will not contain more than about 30 persons. There is a gallery leading to this room, with a chain across it. On the inner side of this chain there is a kitchen, where persons having business at the sessions attend. There is another room where they are sometimes admitted, but this room is generally occupied for other purposes. Beyond this, is the room in which the magistrates transact their business. The door of this room is kept constantly closed, and an officer attends on the outside, with his hand on the lock. The passage is very wet and cold in the winter. When any person comes to the chain, and states that he has business to transact, he is shown into the kitchen, which is generally very much crowded, as well by the accusers as the accused. There he waits until the business about which he came is called on. When the parties concerned in one case come out of the magistrates' room, those concerned in another case are admitted. The circumstance of the door being closed, and a constable standing there, made it always considered as a private room, until lately. From the testimony of several witnesses, it appears that persons not being concerned in the business then before the magistrates were refused admission; and, in one instance, the friends of a person charged with an offence under the Excise laws were turned out, after having gained admission. This exclusion takes place in cases where the magistrates adjudicate. The reporters of newspapers, however, are admitted, and the magistrates stated that such exclusion was without their knowledge or sanction.

"Another ground of complaint was, that the order in which the cases are called on, is left to the discretion of the inferior officers, which gives them the power of showing an undue preference, and has led to the belief, apparently unfounded, that the magistrates desired to exclude the public, and adjudicate in secret." (p. 1557.)

(e) *These riots, which continued from August 1831 to November 1832, arose from various causes of excitement; the disputes concerning the tolls and the ferry-boats, and the speeches addressed to the mob by an individual, the editor of a newspaper, respecting the conduct of the vestry and of the corporation. A Parliamentary contest was going on at the same time, but it is stated that the riots were not connected therewith. The statement is long, and the Commissioners sum up as follows:*

"During the continuance of these disturbances, complaints were occasionally made to the magistrates by persons who had been ill-treated. Upon such occasions, the parties complaining were desired by the magistrates to make a charge upon oath, in order to enable them to swear in special constables according to the statute: this was declined, the complainants stating that they were afraid of doing so, for fear of personal violence from those who were in the habit of assembling at these meetings.

"The town clerk, in justification of the magistrates, stated that they could not rely on the support of the inhabitants, and they deemed it imprudent to irritate the populace, without being able to rely on such support and co-operation of the town's people. That there was a great reluctance in the shopkeepers and others to support the magistrates, was admitted on all hands, and it appeared that on the only two occasions on which the 1,000 special constables were summoned to act, not one attended on one occasion, and only seven on the other. The fear of rendering themselves personally obnoxious to the dislike of the mob, restrained persons from coming forward individually, to make a charge on oath before the magistrates, and to a certain extent, that motive was said to operate in preventing them from coming forward on other occasions. It was, however, stated by several witnesses, that the disinclination to come forward in a body, was more attributable to the unpopularity of the corporation, and the great misunderstanding that subsisted between the corporate magistrates and the inhabitants of the town, than to their fear of the mob.

"With respect to the magistrates not interfering to prevent the disturbances on the 1st of November, in consequence of Mr. Acland opening a stall in the market, the town clerk stated, that they did not attempt to put a stop to that proceeding, because they felt a delicacy in interfering in a case where the pecuniary interests of the corporation were concerned.

"It would be very difficult for us to form a correct opinion as to the prudence or propriety of the magistrates' conduct; nor do we think it necessary to offer any such opinion, further than by saying that they appeared to us to have been placed in a situation of great difficulty, and that there was manifest wisdom in not interfering, before they were in a condition to do so with vigour and effect. We have reported circumstantially the facts stated to us. These, we think, plainly show the great extent of disunion prevailing betwixt the governing body of the corporation and the inhabitants of the town.

"This disunion was attributed to the effects of Mr. Acland's speeches and publications; but from the positive evidence given of the previous existence of discontent, it appears to us, that although the actual disturbances were principally attributable to that excitement, the disunion was in existence anterior to Mr. Acland's arrival, though inflamed and exaggerated by his acts and speeches." (p. 1561.)

(f) "The tolls and stallage have been the cause of great contention betwixt the corporation and the inhabitants, and numerous complaints were made of the conduct of the former in enforcing the payment of them. Until lately there was no public notice stating the amount of those tolls. A deputation from the inhabitants, before any actual litigation took place about the tolls, made a representation to the bench on the subject; but no list or table was put up until after the actions hereafter mentioned, had been brought. Besides there being no public notice of the amount of tolls, the bench are said to have refused to furnish the public with reasonable information as to their nature and amount. One merchant stated, that on an application being once made to the bench, on the subject of disputed tolls, the answer given by them was, 'We do not sit here to show you either our right or charter.'

"An attorney stated, that much discontent had prevailed in the town on the subject of the tolls for many years. He had frequently been consulted on the subject since the year 1815.

"In the year 1831 the payment of 'toll' was demanded of several persons standing (holding stands) in the market, which they refused to pay, whereupon the corporation issued legal process against them; between 40 and 50 of them went to the last-named gentleman to retain him to conduct their defence; he said that he endeavoured to find out whether the demand was for toll or stallage, but could not get any information on the subject. When the declarations were delivered, the demands were principally for stallage. His object for ascertaining the nature of the demand was, that he thought his clients had a defence, if the demand was for toll, but none, if it were for stallage.

"On the 10th February 1832, soon after the processes were served, two respectable deputations waited on the bench, on the subject of the tolls. They saw the mayor, several of the aldermen, and the town clerk. They stated that considerable excitement prevailed in the town on the subject, which was likely to extend to a dangerous degree; that they came with a view, not of resisting, but of assisting the magistrates. They were asked by the town clerk whether their inquiry had reference to the actions brought; they answered, that it had not. They also stated, that they thought that it would contribute greatly to restore tranquillity, if a table of tolls was put up. They asked if freemen were liable to pay toll? After a long conversation with them on the state of the town, the aldermen stated, that the freemen were exempt from toll. On the other points, they said they would call a special bench. A bench was afterwards holden, and a written answer was sent to the deputation, stating that freemen were exempt from the payment of toll; but declining to give any information on the other points, on the ground that they were in a course of litigation. A consolidated action for stallage was afterwards tried at York, in which the corporation were successful.

"No table of tolls was made public until after the trial, when a board containing such a table was placed in the market.

"The amount of tolls contained in the above account does not include the petty tolls, which are before stated to be taken by the mayor. The bench expressed their willingness to relinquish these small dues, if abolished by competent authority, and stated, that they should have relinquished them before, if they had not considered themselves bound by their oaths to continue to receive them." (pp. 1568, 1569.)

(g) The Commissioners state, that "on the election of the mayor, bribery takes place notoriously and extensively." With respect to the election of sheriffs, the following particulars are given:—"The office of sheriff is an annual one. In the election of sheriffs, bribery is constantly practised in the same manner as in those of mayor and aldermen. The usual bribe in all these elections is from 5 s. to 7 s. and a jack of rum. The practice of bribery has prevailed for upwards of 40 years. The number of persons who vote at these elections varies; on some occasions only between 200 or 300 have voted; on other occasions the numbers have been much larger, viz. 700, 1,000 and even 1,300. Most of the voters take bribes. On one election there were 783 voters, of whom 671 took a bribe of 5 s. 3 d. each. On an election to the office of sheriff, one candidate who bribed had 300 votes; the other, who did not, had but ten votes." (p. 1549.)

"The manner of choosing the members of the bench has something of popular election in show, but very little in reality.

"The choice of the burgesses being confined to two members of the bench, chosen by the remainder of that body, makes the election merely illusory. Great discontent with the system of election, and disapprobation on the part of the inhabitants with the conduct of the governing body, exists in this borough. The extent of their disagreements will appear in the subsequent parts of this Report, from the numerous complaints that were made to us, from the litigation that has taken place in the borough between the inhabitants and the corporation, and in the very serious and alarming breaches of the peace which took place in the town, hereafter detailed, and which the magistrates themselves alleged they were unable to suppress, in consequence of the great division that existed betwixt the bench and the inhabitants, and the consequent reluctance of the latter to assist them as magistrates in their endeavours to keep the peace. It was indeed stated, that this disunion was the

the consequence of the speeches and publications of Mr. Acland; and two or three respectable merchants stated, that before his arrival in Hull, they had not heard of any dissatisfaction with the corporation existing in the town. But it was evident that these gentlemen were not in the habit of mixing with the middle and lower classes of society, amongst whom the dissatisfaction was found to exist, and positive evidence was given that great discontent had existed long previous to Mr. Acland's arrival, although the town until then had continued peaceable. Mr. Acland, the evidence established, had cherished, not kindled, the flame, and roused the lurking discontent into action.

"The system of confining the choice of the elections to two lights is highly, and, we think, deservedly unpopular. With regard to the electors, it is to be observed that they are composed entirely of freemen, the other inhabitants not being allowed to vote in the election of any officer of the corporation. The freemen are generally persons in a low situation of life, and the manner in which they are bribed shows how little worthy they are of being entrusted with a privilege from which so many of the respectable inhabitants of the town are excluded.

"The extension of the privilege of election is considered desirable by all classes. The members of the bench, with one exception, concurred in the opinion that it would be desirable that it should be extended to all inhabitants of the borough being 10 *l.* householders; others were desirous that it should be extended to 5 *l.* householders.

"In most other corporations the governing body is composed of two bodies; viz. the aldermen and another set of freemen, generally known by the name of common councilmen, who are usually, from their situation and habits of life, more nearly connected with the mass of inhabitants than the aldermen are, and who form a connecting link between the other two degrees. There is no such connecting body in Hull. It appeared to us, that in the conduct of the governing body here, there was more secrecy in the proceedings of the bench, and less consideration and courtesy shown by them to the burgesses, than in other corporate towns; which we think partly attributable to the absence of a body of common councilmen. It was said to be a general opinion in the town that such a body should be added to the present council. Another alteration suggested was, that the fiscal and judicial functions should be separated. While they are united, a higher qualification was considered proper for those voting in the choice of persons entrusted with judicial powers, than would be thought necessary for choosing those invested only with the management and disposal of the corporate funds." (p. 1551.)

(a) "The town clerk is clerk of the peace and clerk to the borough magistrates.

"He is clerk of the borough civil court.

"He is clerk of recognizances.

"He has no salary as town clerk.

"He estimates the profits of his office of clerk of the borough civil court at 35 *l.* a year; that of clerk to the magistrates at 60 *l.* or 70 *l.*

"The town clerk does not practise himself in the borough court, but his partner, who is an alderman, does.

"This is considered objectionable.

"It was also complained of that he conducted prosecutions at the quarter sessions, on the ground that, as clerk to the magistrates, he may have an influence in procuring the committals of prisoners for trial, which it is made his interest to multiply." (p. 1592.)

(b) "The serjeants at mace are the officers for executing process issuing out of the borough court.

"Their salary is four guineas a year each.

"Their profits, as officers of the borough court, are about 3 *l.* each.

"They are said to be personally respectable men in their station of life, but are objected to as not being sufficiently responsible for the important duties which devolve upon them as officers of the borough court. Plaintiffs in that court have no security for the levy-money being paid to them." (p. 1592.)

(c) "A few years ago the corporation sold some property for 200 *l.*; this sale was made to a member of the corporation, but we do not believe that any improper partiality was shown to him in such sale, although it was suggested to have been so." (p. 1593.)

(d) "The governing body is elected by a part of its component members, in which choice the inhabitants have no share. It is said that persons are excluded from this body on the ground of political and religious opinions; and this suspicion is confirmed by the circumstance of the members being all of one political party, and that, although a majority of the inhabitants of the town are dissenters, no one of that persuasion has been admitted since the repeal of the Test and Corporation Acts, notwithstanding several elections have occurred since such repeal. The constitution of the governing body is said to be very unpopular with a majority of the inhabitants." (p. 1591.)

(a.) "The recorder is a justice of peace within the precincts, and as such may attend the petty sessions or quarter sessions of the borough. He is properly the assessor of the Civil Borough Court. His duties are very important, as will appear from the account of the courts hereafter given. The present recorder is not in the habit of attending the courts regularly; but has occasionally been requested to attend when important business has been expected, and has almost always complied with the request: his absence, however, has

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sometimes been a subject of complaint. It appears from the court books that he did not attend the quarter sessions once between 1810 and 1832. In the year 1821 it was resolved by an order in council that he ought to attend when required, or to resign. A subsequent Report states his engagement to do so. In 1825 a finance committee recommended that his salary should be suspended till this promise was fulfilled. In 1831 the borough grand jury unanimously presented, that it was necessary and expedient that he should render his personal advice and assistance at every quarter sessions held in the borough. In 1832, by an order in council, he was requested to attend or resign. He did attend at the quarter sessions following. Soon after, a correspondence took place between the mayor and recorder, in which the former pointed out the necessity of the question coming before the select body, and adverted to a communication received from the Home Office, and to the approaching inquiry by the House of Commons into the subject of corporations. In answer, the recorder explained that his engagement had not been to attend constantly; that the business was commonly trifling; that recorders in general did not reside, except for political purposes; that he had very frequently attended; that he had in his absence exercised a care over the interests of the corporation; that his duties elsewhere were important; and that the town clerk was a very efficient adviser. Upon this, by an order in council, the thanks of the corporation were given to him for his attention to its interests. His salary is ten guineas, and he has no perquisites; and he is not allowed travelling expenses. He was formerly a practising equity barrister; at present he is a resident fellow of a college in one of the Universities. It is evident that the salary is not of itself sufficient to induce, even a resident, to devote himself to the duties of a recorder. In the case of a non-resident, constant attendance from such a consideration alone cannot be expected. It is stated to us, that the present recorder's advice, during his absence, has frequently been of much advantage to the corporation on important occasions." (p. 1604.)

LEEDS.

(a.) "The close constitution of the corporation is obvious; all vacancies in each branch of it being filled by the select body, gives to that body absolute and uncontrolled self-election.

"Family influence is predominant. Fathers and sons and sons-in-law, brothers and brothers-in-law, succeed to the offices of the corporation, like matters of family settlement.

"The great respectability of the present members of the corporation and their impartial conduct as justices, were universally acknowledged; but the restricted system and want of a more popular method of election were loudly complained of; and it was said that it would be satisfactory to a great majority of the town, that there should be such more open course, as the Legislature in its wisdom, should think best.

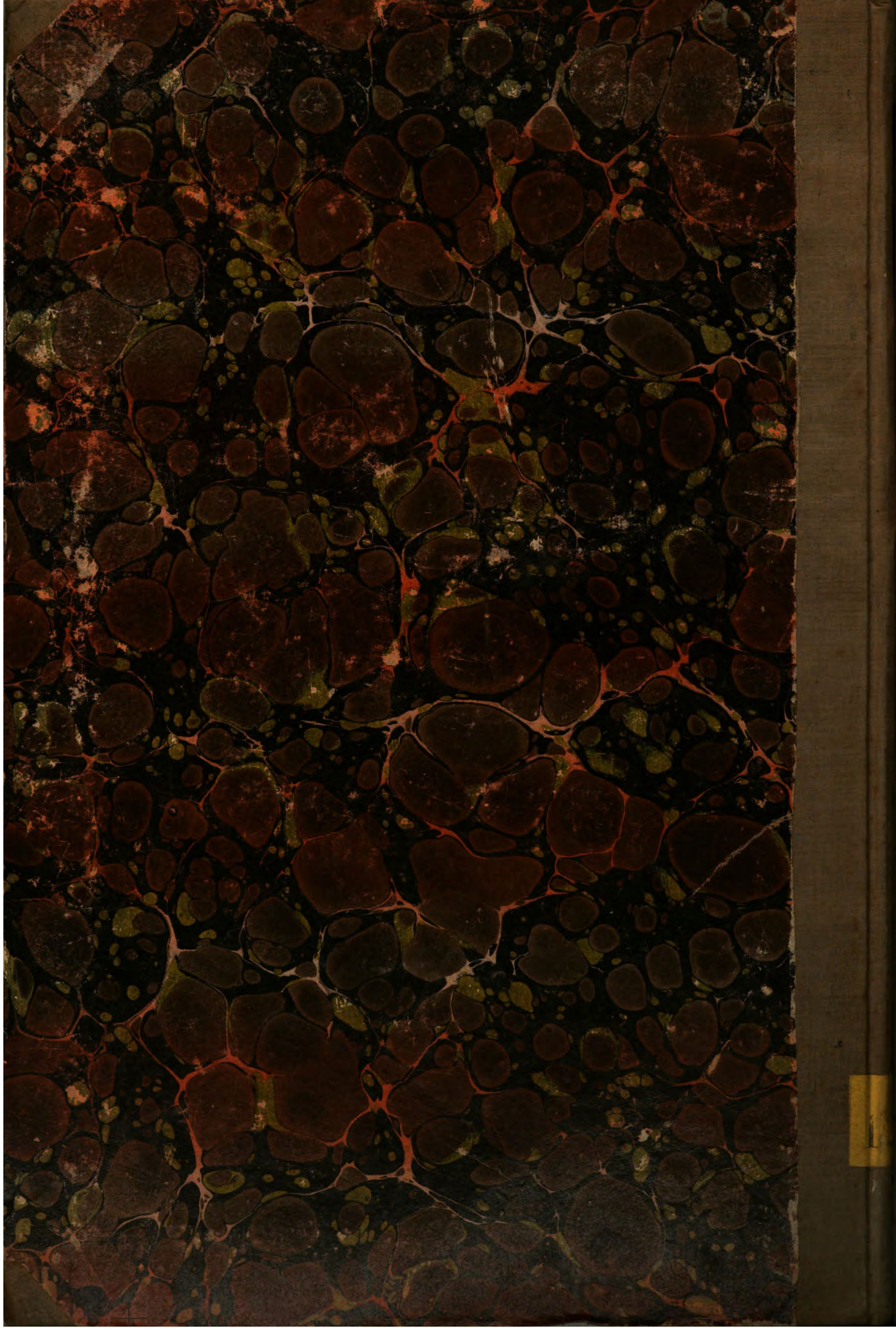
"The ill effects of the present exclusive system are rendered strikingly apparent from one circumstance in this borough. In cases where the election is popular, as in the choice of commissioners under the local Acts, the persons selected are all of one political party, professing the opposite opinions to those entertained by the majority of the corporation, which is accounted for by the necessity of balancing the influence of the corporation, at the same time that it is said to show the inclination of the majority of the town. This choice of commissioners exclusively from one party is admitted to be undesirable, but is justified as being resorted to in self-defence." (p. 1620.)



P R O T E S T
OF
SIR FRANCIS PALGRAVE,
ONE OF THE
COMMISSIONERS
FOR INQUIRING INTO
MUNICIPAL CORPORATIONS
IN
ENGLAND AND WALES,
IN THE MATTER OF THE REPORT PRESENTED TO HIS MAJESTY
BY THE SAID COMMISSIONERS.

(Pursuant to an ADDRESS to HIS MAJESTY, dated 3 April 1835.)

Ordered, by The House of Commons, to be Printed,
7 April 1835.



Palgrave, Francis,

Protest of Sir Francis Palgrave, one of the commissioners for inquiring into municipal corporations in England and Wales, in the matter of the report presented to his Majesty by the said commissioners Pursuant to an Address to His Majesty, dated 3 April 1835

London 1835

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